

**ORIGINAL TRANSCRIPT**

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

\* \* \* \* \*  
USA, ET AL., SIMONEAUX NO.: 3:12-CV-219

VERSUS

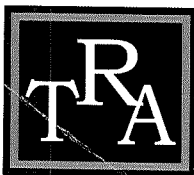
E.I. DU PONT DE NEMOURS  
AND COMPANY

\* \* \* \* \*



The deposition of TALMAGE EUGENE CLEMONS  
Taken on Tuesday, the 17th day of December, 2013  
Commencing at 10:30 a.m.  
at the offices of  
Kuchler, Polk, Schell, Weiner & Richeson, LLC  
1615 Poydras Street, Suite 1300  
New Orleans, Louisiana 70112

REPORTED BY: ELICIA H. WOODWORTH, CCR



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## I N D E X

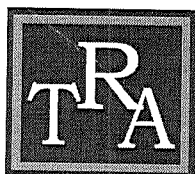
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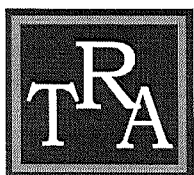
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1 APPEARANCES:

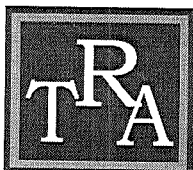
2 REPRESENTING JEFFREY M. SIMONEAUX:

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25 REPORTED BY: ELICIA H. WOODWORTH, C.C.R.



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## STIPULATION

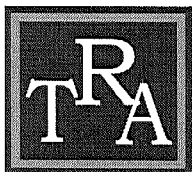
It is stipulated and agreed by and between all parties that the deposition of Talmage Eugene Clemons is hereby being taken under the Louisiana Code of Civil Procedure for all purposes.

The witness has not waived the right to read and sign the deposition. The original is to be retained by Jane H. Barney, Esquire for proper filing with the Clerk of Court.

All objections, except those as to the form of the question and the responsiveness of the answer, are hereby reserved until the time of the trial of the cause.

\* \* \* \*

Elicia H. Woodworth, Certified Court Reporter in and for the State of Louisiana, officiated in administering the oath to the witness.



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1 TALMAGE EUGENE CLEMONS,  
2 Having been first duly sworn, was examined and testified  
3 as follows:

4 EXAMINATION BY MS. BARNEY:

5 Q. Good morning, Mr. Clemons.

6 A. Good morning.

7 Q. Good to meet you.

8 A. Same here.

9 Q. Could you state your full name and address for  
10 the record, please.

11 A. Talmage Eugene Clemons, Jr., P.O. Box 364, French  
12 Settlement, Louisiana 70733.

13 Q. Okay. How long have you lived there?

14 A. Since 1987. So how many years is that?

15 Q. A good many.

16 A. Yeah.

17 Q. All right. Are you married?

18 A. Yes.

19 Q. Okay. And what's your wife's name?

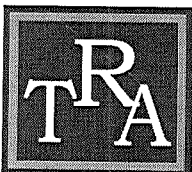
20 A. Margaret Opal.

21 Q. Have you ever given a deposition before?

22 A. No.

23 Q. Okay. I'm going to go over some of the little  
24 rules and modes of operating.

25 I'm going to be asking questions and you're going



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1 to be giving answers and the court reporter is going to  
2 take everything down, so it's important for us to try  
3 not to talk over each other, even though I've got to  
4 tell you I'm bad about it, too. If you can try to wait  
5 and make sure I'm finished my question before you start  
6 answering, that will help the court reporter, and I'll  
7 try to let you finish your answer before I start the  
8 next question. We sort of get into a conversation  
9 sometimes like we're not talking on the record and then  
10 it's hard for the court reporter to get everything down.  
11 So if we both make an effort to do that, that would be  
12 good.

13 If you need a break, just let me know and we can  
14 stop and take a break. We probably shouldn't stop with  
15 a question out and no answer, but other than that,  
16 anytime you want to take a break, it's fine.

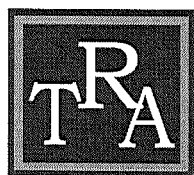
17 We have water. You've got water. So if you need  
18 anything, just let us know.

19 A. Okay.

20 Q. Are you on any medication that would make it  
21 difficult for you to understand questions and answer  
22 them today accurately?

23 A. No, I'm not.

24 Q. Okay. If I ask you a question that you don't  
25 understand, just tell me that you're not sure what I'm



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1 asking and ask me to clarify it and I will. If you  
2 answer it, then I'll assume you understood it, so it's  
3 best to ask me for clarification if you're not sure.

4 A. Okay.

5 Q. Did you do anything to prepare for your  
6 deposition today?

7 A. I reviewed some documents at work, some of the  
8 repair documents from our 2013 shutdown, and I also  
9 talked with Monique for a little while this morning.

10 Q. Okay.

11 MS. BARNEY:

12 And you're representing Mr. Clemons?

13 MS. WEINER:

14 Yes.

15 MS. BARNEY:

16 Thought so.

17 BY MS. BARNEY:

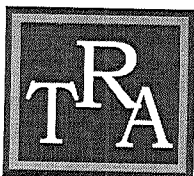
18 Q. Okay. When did you review the documents at work?

19 A. Thursday of last week.

20 Q. And other than the repair documents about the  
21 2013 shutdown, can you think of anything else that you  
22 reviewed?

23 A. No.

24 Q. Did you talk with anybody at work about your  
25 deposition today?



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1 A. I had asked whether the documents that I was  
2 reviewing had been sent to Monique.

3 Q. Who did you ask?

4 A. I asked Tom.

5 Q. What did he say?

6 A. He said he was sure that they were, and that's  
7 where it ended.

8 Q. Okay.

9 MS. BARNEY:

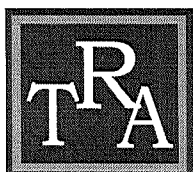
10 And were y'all able to confirm that we  
11 did have the documents?

12 MS. WEINER:

13 We're in the process right now of -- I  
14 think there are some photographs that he looked at that  
15 are photographs of some of the holes and cracks during  
16 the 2013 shutdown that I'm working to get copies of  
17 right now. So, hopefully, throughout this day, we'll be  
18 able to get those because I don't -- we don't see that  
19 we physically have them, and it may just have been a  
20 miscommunication somewhere. But we're working on that  
21 so we can get those to you.

22 BY MS. BARNEY:

23 Q. Okay. Are the photos that Ms. Weiner's referring  
24 to, are they by any chance labeled like HIP TAR photo,  
25 T-A-R -- does that stand for turnaround?



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1 A. Uh-huh.

2 Q. -- or CIP TAR holes?

3 A. You know what, I don't remember, but that would  
4 make sense, but I don't remember if that was exactly  
5 what was on the photo.

6 MS. WEINER:

7 I haven't seen them, so I don't know.

8 MS. BARNEY:

9 And just for the record, because this  
10 came up on my end and I haven't had time to clarify it,  
11 when you guys produced the green flash drives with the  
12 camera 13 video on them, there were also a bunch of  
13 photos on them.

14 MS. WEINER:

15 Okay. And that may be the disconnect on  
16 our side.

17 MS. BARNEY:

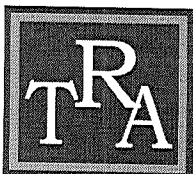
18 And not Bates labeled.

19 MS. WEINER:

20 Okay.

21 MS. BARNEY:

22 And so I was going through those  
23 yesterday, and we were wondering whether you knew they  
24 were on the flash drive because they weren't Bates  
25 labeled. And I don't think your cover letter mentioned



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1       them.

2                   MS. WEINER:

3                   That's where -- when I'm saying there  
4       might be miscommunication --

5                   MS. BARNEY:

6                   That might be the same photos, so we can  
7       determine that at some point today.

8                   MS. WEINER:

9                   Why don't we take a quick break right  
10      here and let me just go investigate that issue.

11                  MS. BARNEY:

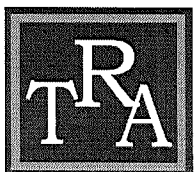
12                  Okay. I can show you -- we can go off  
13      the record for a second.

14                  (A recess was taken.)

15                  MS. BARNEY:

16                  Back on the record. It looks like the  
17      photographs that Mr. Clemons reviewed in preparation for  
18      his deposition were the same photographs that were on  
19      one of the flash drives that Ms. Weiner produced that  
20      also contained video from camera 13, and so we're going  
21      to go through those photos today and confirm that those  
22      are the ones that Mr. Clemons reviewed. He's looked at  
23      one and thinks that it is that batch, so we'll proceed  
24      on that basis.

25      BY MS. BARNEY:



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1 Q. Okay. Mr. Clemons, were those -- were the photos  
2 included in some of the repair docs that you were  
3 talking about, the documents that had to do with the  
4 repairs during the turnaround, or were those different?

5 A. Yes.

6 Q. Other than the photographs, were there any other  
7 documents, like written documents, that you looked at?

8 A. I remember one Word document that had photographs  
9 embedded in it that were essentially the repair scope  
10 that was given to the contractors.

11 Q. Okay.

12 A. That was in one of those folders that I looked  
13 at.

14 Q. All right. Anything else?

15 A. No.

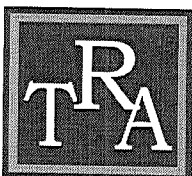
16 Q. And other than that conversation with  
17 Mr. Miller -- well, let me ask you about that. You  
18 talked to Mr. Miller about the documents to make sure  
19 they were produced. Did you have any other conversation  
20 with Mr. Miller at that point?

21 A. No.

22 Q. Any other conversation with him leading up to  
23 your deposition?

24 A. No.

25 Q. All right. Did Mr. Miller mention to you that



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1 there was some audio involved in the case, audio  
2 recordings?

3 A. Audio recordings of?

4 Q. Of conversations.

5 A. No.

6 Q. So you-all pretty much just talked about those  
7 documents and that's it?

8 A. Yeah. What I had done was looked at the -- what  
9 do you call the preparatory documents or the one you was  
10 looking for approval on?

11 MS. WEINER:

12 Oh, he reviewed the answers to  
13 interrogatories.

14 THE WITNESS:

15 Yeah.

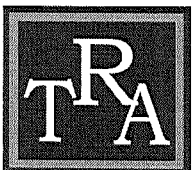
16 MS. WEINER:

17 The ones where we said that he would be  
18 the person responding to those issues that we were  
19 served Friday morning.

20 THE WITNESS:

21 So I looked at those documents, and  
22 based on what I saw there, kind of tried to decide what  
23 I needed to review and refresh my memory on. And that  
24 was essentially around the repair work.

25 MS. BARNEY:



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1 And I may need you to get me a copy of  
2 those. I might have them with me in this big box.

3 MS. WEINER:

4 Sure. I can ask them to get me copies.

5 MS. BARNEY:

6 Thanks, because I don't have two copies  
7 of it.

8 BY MS. BARNEY:

9 Q. Okay. So when you were meeting with Ms. Weiner,  
10 did you review any other documents besides the  
11 interrogatory responses?

12 A. No.

13 MS. WEINER:

14 And just to clarify, he did not review  
15 those today.

16 THE WITNESS:

17 That's right.

18 MS. WEINER:

19 Those were prior to being served.

20 MS. BARNEY:

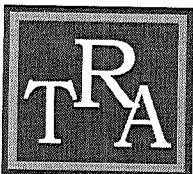
21 Before?

22 MS. WEINER:

23 Yes.

24 MS. BARNEY:

25 Okay.



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1 BY MS. BARNEY:

2 Q. Did you make any notes or anything to get ready  
3 for today?

4 A. Nope.

5 Q. Okay.

6 A. Just mentally.

7 Q. Okay. I can imagine.

8 All right. I'd like to attach as Exhibit 1 to  
9 your deposition the notice for your deposition today and  
10 ask you to take a look at that.

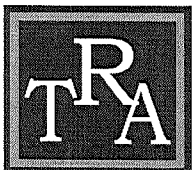
11 (Whereupon, Exhibit No. 1 was marked for  
12 identification.)

13 BY MS. BARNEY:

14 Q. You may have seen that before. It's a notice  
15 between lawyers that says we are we're going to take  
16 your deposition today.

17 A. Okay.

18 Q. Okay. There are some topics on that notice that  
19 DuPont has designated you as the corporate  
20 representative with regard to, and there are rules,  
21 court rules, that allow a person to take a deposition of  
22 a company on a topic and then the company -- so we say  
23 we'd like to talk to the person most knowledgeable on  
24 certain topics and then the company designates the  
25 person to respond. So that's sort of what this means.



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1 Did you understand that you were here in that  
2 capacity --

3 A. Yes.

4 Q. -- as the corporate rep for those topics and  
5 personally?

6 A. Yes.

7 Q. You're here for yourself and then those topics  
8 for the company?

9 A. Yes.

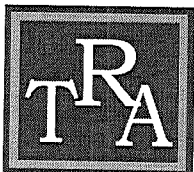
10 Q. Did you gather information that the company may  
11 have with regard to these topics on Exhibit 1, which  
12 just for the record, I'll say the decision to use and  
13 use of the hose vacuum metal box apparatuses in  
14 connection with the HIP, the CIP, the converter, the  
15 superheater and any related ductwork and plenums. And  
16 then No. 2 was the decisions and plans with respect to  
17 work to be done during the shutdown in an effort to  
18 resolve the leaks on that equipment.

19 So on those two topics -- I guess -- I'll start  
20 over.

21 My first question is, do you think you're the  
22 person most knowledgeable about those two topics for  
23 DuPont Burnside?

24 A. Yes, probably so.

25 Q. Okay. Did you do anything to gather information



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1 from others at DuPont in order to be able to give  
2 testimony on those topics today?

3 MS. WEINER:

4 And I'll object just to the extent that  
5 there's no evidence that was necessarily proper for him  
6 to do, but you can go ahead and answer.

7 THE WITNESS:

8 Nothing beyond what I've already  
9 described in reviewing the pictures.

10 MS. BARNEY:

11 Okay. And we can get into that a little  
12 later. We're just kind of going over the prep for your  
13 depo.

14 THE WITNESS:

15 Uh-huh.

16 BY MS. BARNEY:

17 Q. Okay. Can you tell me what your current position  
18 is at DuPont.

19 A. Maintenance manager at the DuPont Burnside plant.

20 Q. You've had that position since when?

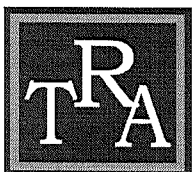
21 A. Since October of 2009.

22 Q. '09 or 2010? You think it was '09?

23 A. I think it was '09, yeah.

24 Q. And that is a supervisory position at DuPont?

25 A. Uh-huh, yes, it is.



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1 Q. And is that -- that's a management level job;  
2 right?

3 A. Yes, it is.

4 Q. Is it sort of on the same level as Elizabeth  
5 Cromwell?

6 A. Yes, it is.

7 Q. And she's the supervisor over operations?

8 A. Correct.

9 Q. Who is your supervisor?

10 A. Tom Miller.

11 Q. Is there anyone else at DuPont that you have to  
12 report to other than Tom Miller?

13 A. No.

14 Q. Before you reported to Tom Miller, I guess you  
15 reported to Don Janezic; is that right?

16 A. That's correct.

17 Q. Prior to October 2009, were you employed directly  
18 with DuPont?

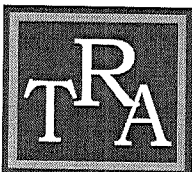
19 A. Yes, I was.

20 Q. And what was your position?

21 A. I was a regional craft consultant for mechanical  
22 and piping.

23 Q. All right. And how long were you in that  
24 position?

25 A. That's a difficult question.

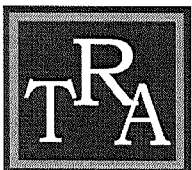


1 Q. In that position employed by DuPont.

2 A. Actually -- yeah. Let me just back up. I was  
3 employed by DuPont, I believe it started -- I know it  
4 was '04 and I think it was October of '04 when I  
5 originally was employed by DuPont, and I hired into the  
6 regional craft consultant role. That role is  
7 responsible for front-end loading on major capital  
8 projects at various plants, so I did a lot of traveling.  
9 Okay?

10 In October of '09 -- hang on a minute. Let me  
11 think a minute. This all leads back to you asked what  
12 was I doing prior to. So in October of '08, I was asked  
13 to come to the Burnside plant to act as a resident  
14 construction manager for the DAR project. Okay? And I  
15 saw it as an opportunity to stop traveling for a while,  
16 so I took it. Okay?

17 And so I stayed there from October of '08 till  
18 sometime in May of '09, I would say, and then I went  
19 back -- I went to the Pontchartrain site from there as  
20 a -- I had a couple of different titles there, but kind  
21 of as a construction manager at the Pontchartrain site.  
22 And then after that, I was offered the maintenance  
23 manager or I was asked if I wanted to interview for the  
24 maintenance manager role at the Burnside plant, and I  
25 was put into that position in October of '09.



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1 Q. All right. What did you do before October 2004  
2 when you became directly employed by DuPont?

3 A. I was in -- let's see. I was in the project  
4 superintendent role for the resident contractor. At the  
5 time, it was BE&K. And I had responsibility for both  
6 the Pontchartrain site and the Burnside site and number  
7 of employees ranged from -- between both sites ranged  
8 from 100 up to -- I'd say we probably maxed out at some  
9 point at 350 to 400 people that were reporting.

10 Q. The current name of the BE&K company is KBR?

11 A. KBR bought BE&K, yes.

12 Q. Do you know about when that happened?

13 A. I'm just not pos -- I want to say two years ago,  
14 but I am not positive. I'll say two to three years ago,  
15 yeah.

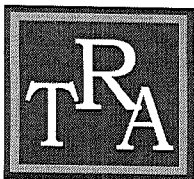
16 Q. Okay. In connection with the Burnside plant and  
17 your work there, did the purchase of BE&K by KBR change  
18 anything about that resident contractor relationship  
19 between DuPont and Burnside, as far as you know?

20 A. No.

21 Q. So on a day-to-day basis, it was no real  
22 difference?

23 A. That's correct.

24 Q. Okay. Who did you report to when you worked for  
25 BE&K?



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1 A. A guy by the name of John Rigby.

2 Q. Where was he located?

3 A. Northeast. I think he lived just outside of  
4 Philadelphia. I know it was in Pennsylvania somewhere.

5 You got on the record that was pre-'04; right?

6 Q. Yes.

7 A. Okay.

8 Q. After you became employed by DuPont between 2004  
9 and October 2009, who did you report to when you --

10 A. John Morgan.

11 Q. Okay. What was his position?

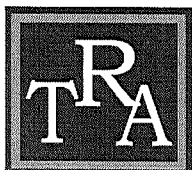
12 A. I can't remember his title. I want to say his  
13 title was technology supervisor, but he was over all of  
14 the craft consultants, which that was a group that I was  
15 in.

16 Q. What was your craft in that crew?

17 A. Piping mechanical.

18 Q. What all does that involve?

19 A. In that role, it primarily focuses on the piping  
20 aspects of capital projects, but then gets into some of  
21 the mechanical side, just like heat exchangers and that  
22 kind -- various large pieces of equipment and with a lot  
23 of focus on front-end loading design, constructability  
24 maintainability, that kind of stuff. It essentially --  
25 the role is -- your responsibility is to bring expertise



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1 in your various disciplines to those capital projects  
2 and represent the sites in the engineering design firms  
3 because the sites are not necessarily always there or  
4 site representatives are not always there.

5 Q. Okay. That's what you were doing between 2004  
6 and 2009?

7 A. '09, right.

8 Q. Did that involve supervision of welding work?

9 A. Not direct supervision, no.

10 Q. Did welding fall under that area of  
11 responsibility?

12 A. Yes. Yes. As it relates to piping and equipment  
13 and fabrication and that kind of stuff, yes.

14 And for the record, too, prior to, there was a  
15 time when I had 13 certifications myself in welding.

16 Q. Okay. So you are a certified welder?

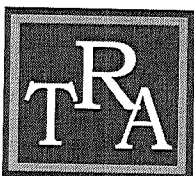
17 A. I used to be a certified welder. I haven't used  
18 them, so they've expired.

19 Q. When is the last time you've had an active  
20 welding certification?

21 A. Many years. I don't even remember. It really  
22 has been many years.

23 Q. All right. Let's go back a little bit. Where  
24 did you go to high school?

25 A. Greenville Christian School in Greenville,



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1 Mississippi.

2 Q. What year did you graduate?

3 A. 1977.

4 Q. Did you go on to any schooling after that?

5 A. No.

6 Q. All right. What did you do at that point?

7 A. I went into the construction industry.

8 Q. How long did you work in the construction  
9 industry?

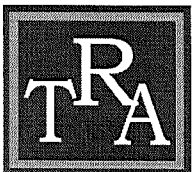
10 A. Since 19 --

11 Q. From like 19 --

12 A. I'm kind of still in it, so...

13 Q. Okay. All right.

14 A. No. I mean, I started in the construction  
15 industry -- I got out of school in 1977, and I worked  
16 for a short period of time at a little auto parts place  
17 and then I would say sometime in 1978 I went into the  
18 construction industry through relatives and stayed in it  
19 up until -- really up until -- like I said, indirectly,  
20 I'm still in it with the construction that goes on at  
21 the plant, but I had direct responsibility until 2009  
22 when I took this position. You know, up until I took  
23 this position, my main focus was construction and  
24 construction management, along with supplemental  
25 maintenance through the contractors. So I don't know



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1     how to answer your question because I'm still in it, at  
2     least to some extent.

3         Q.   Okay.  The relatives that you had in the  
4     construction business, did they have a formal company;  
5     like, is there a company name they worked for?

6         A.   Well, no.  The way I got into the construction  
7     industry in 1978 or whenever it was was I had an uncle  
8     that was a welder and he was working on a construction  
9     job there in my hometown, Greenville, Mississippi and  
10    asked if I wanted to come work with him as a helper.  
11    And I did that and just in time I got interested in  
12    welding and he was -- cared enough to show me the craft  
13    and teach me how.

14        Q.   Okay.

15        A.   So that's how it initiated.

16        Q.   So how long would you say you did welding work?

17        A.   I probably acted as a welder for at least 12  
18    years.

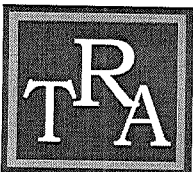
19        Q.   Okay.

20        A.   '78.  I would say something like that, yeah, ten  
21    to 12 years.

22        Q.   So that would have been until -- let's see, 1978  
23    until about 1990?

24        A.   Yeah, something like that.

25        Q.   What did you start doing after you stopped doing



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1 welding work?

2 A. I went directly into supervision.

3 Q. Where was that?

4 A. At the DuPont LaPlace site.

5 Q. What year was that?

6 A. I don't recall exactly, but it would have been  
7 right after I came out from under the welding hood, so  
8 to speak, so '88 to '90, somewhere in that timeframe.

9 Q. All right. And who were you employed with when  
10 you were doing that work with the DuPont LaPlace site?

11 A. I started there with Payne & Keller.

12 Q. And that's like a contractor, outside contractor?

13 A. Correct.

14 Q. Were they the resident contractor?

15 A. Yes, they were.

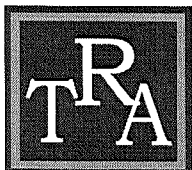
16 Q. Okay.

17 A. And then there was a short stint there that a  
18 company called UMC had the contract, but it was a very,  
19 very short stint. I would say less than a year. And  
20 then it went from there to BE&K, and I think BE&K took  
21 over -- oh, man. It's been that long. I want to say  
22 '87.

23 Q. '97, you mean?

24 A. I think '87.

25 Q. Okay. I had, based on your testimony earlier,



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1 that you started working at DuPont LaPlace in 1988 or  
2 1990.

3 A. No, no, no. I started at DuPont LaPlace in 1980.

4 Q. Oh, okay. All right. And you worked there until  
5 1990?

6 A. I worked there until 2004.

7 Q. 2004. All right.

8 A. Yeah. And I actually kept an office there. In  
9 2004 is when I hired in with DuPont, but I kept an  
10 office at the Pontchartrain -- at the LaPlace site.  
11 While I had that consulting role, I was doing a lot of  
12 traveling, but I had an office there still.

13 Q. All right. So I think maybe where I got the '88  
14 to '90, that was the time period where you stopped  
15 doing --

16 A. Welding.

17 Q. -- primarily welding work.

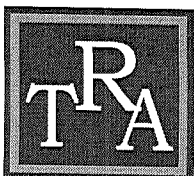
18 A. Correct.

19 Q. So you were doing welding work at the DuPont  
20 LaPlace site?

21 A. That is correct.

22 Q. When you started doing supervision at DuPont's  
23 LaPlace site, were you supervising welders, or who were  
24 you supervising?

25 A. At times.



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1 Q. Okay. Who else were you supervising?

2 A. Pipe fitters, general mechanics, those kind of --  
3 just to make sure we all understand, at the DuPont  
4 Pontchartrain site, they have a pipe fabrication shop.  
5 That's where 90 percent of the welding takes place.  
6 Okay? When I went into supervision originally or  
7 initially, I went into supervision in the field, we call  
8 it, which means not in the shop. Okay? So the welding  
9 that I supervised was only when we had welding going on  
10 outside of the fabrication shop.

11 Q. All right. Are you using the LaPlace and  
12 Pontchartrain site interchangeably?

13 A. I am, yes.

14 Q. Okay. All right. So you did that until 2004,  
15 the supervision work?

16 A. Various levels of supervision.

17 Q. All right. Did your position change over that  
18 time?

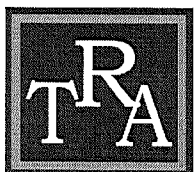
19 A. It did.

20 Q. And what were your titles?

21 A. I went from -- I don't remember dates now.

22 Q. Oh, and that's okay. Approximate.

23 A. I can tell you I started as a welder at the  
24 LaPlace site in 1980. Okay? At some point in time, I  
25 moved to a foreman in the field. Okay? And then at



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1 some point in time after that, I went to general  
2 foreman. After that, I went to what they call  
3 mechanical superintendent, and then I went from  
4 mechanical superintendent to construction field  
5 engineer. And then I went from construction field  
6 engineer to project superintendent. So, essentially, I  
7 went through every level of supervision that existed.

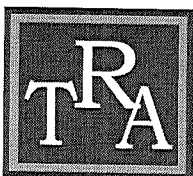
8 Q. All right. During any of that time, did you have  
9 to do any additional education or coursework, maybe on  
10 the side of your work or anything like that?

11 A. I mean, there were a number of times that, for  
12 example, the contractor companies, whoever it may be,  
13 offers certain labor relations courses, that kind of  
14 stuff that -- you know, that I've been through. And  
15 then beyond that, it was, you know, required training  
16 classes for -- OSHA-required training, that kind of  
17 stuff, you know. And then some job-specific training  
18 classes, like project team leader classes and that kind  
19 of stuff. I know there's been a number of them,  
20 obviously.

21 Q. Okay.

22 A. They probably -- they didn't stick obviously  
23 because I don't remember all of them.

24 Q. So that was all on-the-job training, part of your  
25 education in the job?



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1 A. Correct.

2 Q. During that time, you didn't go to any night  
3 school or anything at any university?

4 A. No.

5 Q. So when you got the job of construction field  
6 engineer, you weren't really an engineer in the sense of  
7 having an engineer degree?

8 A. That is correct.

9 Q. But that was the title for your position?

10 A. Uh-huh.

11 Q. Okay. Is the same true after you started with  
12 DuPont, did you have on-the-job type training classes as  
13 part of that job, but no formal, like, night college or  
14 anything like that?

15 A. That's correct, yes.

16 Q. Okay. Do you recall who the first person was  
17 that you talked with about going on direct employment  
18 with DuPont?

19 A. In 2004, you mean?

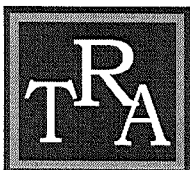
20 Q. Whenever you first had the conversations about  
21 doing that.

22 A. Yeah. It would have been Bob Heier.

23 Q. Do you know how to spell that?

24 A. H-E-I-E-R.

25 Q. All right. What was his job?



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1 A. Site engineering manager.

2 Q. Where did he work out of; do you know?

3 A. LaPlace site.

4 Q. Okay. And what did y'all discuss at that point,  
5 generally?

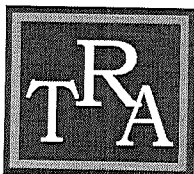
6 A. Bob had roles outside of just the LaPlace site in  
7 that he was responsible for what's called the  
8 construction competency and -- you know, so we discussed  
9 his responsibilities around the construction competency  
10 and how I may be able to help the sites from a  
11 construction standpoint in a consultant role.

12 Q. So is that when you started doing the -- when you  
13 became directly employed with DuPont?

14 A. In October of '04, and I hired in in the regional  
15 craft consultant role, yes. And I immediately started  
16 traveling.

17 Q. Where did you have to travel to?

18 A. Various sites on the Gulf Coast, Houston. I made  
19 a couple of trips to Mexico. Spent probably a week  
20 solid in Mexico traveling, looking at various  
21 fabrication shops. Part of my responsibility was to  
22 qualify fabrication shops for the DuPont corporation,  
23 pipe fabrication shops, so we were looking at -- looking  
24 for low-cost suppliers in Mexico. I traveled to New  
25 Johnsonville, Tennessee and multiple sites on the Gulf



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1 Coast. I mean, I don't know if you want to list them  
2 all.

3 Q. Were they all DuPont sites?

4 A. Yes.

5 Q. Were any of them acid plants?

6 A. No.

7 Q. All right. Was the LaPlace Pontchartrain site an  
8 acid plant?

9 A. No.

10 Q. Is DuPont Burnside the only acid plant that you  
11 have worked with or at?

12 A. No.

13 Q. What other acid plant have you worked with?

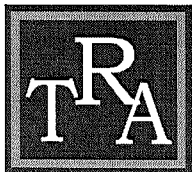
14 A. Actually, I need to retract a statement that I  
15 made earlier. You asked were any of them acid plants.  
16 I didn't think about the Borderland plant.

17 Q. What was that name?

18 A. The Borderland. It's in El Paso, Texas. It's  
19 called Borderland.

20 I spent -- let's see. I spent -- I don't know --  
21 off and on for 18 months in El Paso. We were building  
22 an acid plant at the Western refinery. So in the  
23 consulting role, that was one of the projects that I had  
24 some responsibility for.

25 Q. All right. What was your responsibility in that



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1 project?

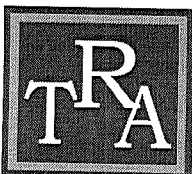
2 A. Again, I was in the consulting role, so my focus  
3 was on piping and mechanical engineering and design  
4 initially. So I spent time in St. Louis, Missouri at  
5 the MECS office, which is the company that did the  
6 design, doing what we call front-end loading the design.  
7 So, in other words, I was reviewing the design and  
8 providing input from a DuPont perspective.

9 Once the design was finished, I followed it to  
10 the field and was involved in not necessarily schedule  
11 development, but monitoring schedule, monitoring costs  
12 and that kind of stuff and reporting back through the  
13 DuPont -- my DuPont bosses at the time, so...

14 Q. All right. What do you mean by front-end  
15 loading?

16 A. Most DuPont projects are engineered and designed  
17 by outside design firms. I said most, not all. It's  
18 very important when they're engineered and designed by  
19 outside design firms that DuPont have the right  
20 representation during at the design phase so that we  
21 actually get what we want. We get what we -- well, at  
22 least what we think we want.

23 And so the front-end loading process is -- it's  
24 actually very well defined in our -- in what we call our  
25 guide to project implementation, but it's simply a



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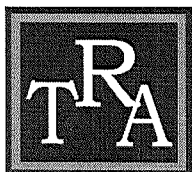
1 process that we sit with the engineering design firms  
2 and provide input as to how we want the design done,  
3 when we want it done and any other aspect of the design  
4 you can think of, inclusive of making sure they  
5 understand the process design basis. You know, they  
6 have to understand that, in order to engineer and design  
7 something that will functionally work correctly.

8 Q. Does that front-end loading process have anything  
9 to do with the cost of the project? You mentioned  
10 capital earlier as a big part of your focus. I'm trying  
11 to understand that part.

12 A. Yeah. The incomplete front-end loading can lead  
13 to cost overruns. It's just early planning is what it  
14 amounts to. You know, the better planning you do, the  
15 better the outcome is going to be, and that's what the  
16 front-end loading is all about, so...

17 Q. All right. Other than El Paso, Texas, were you  
18 involved in any front-end loading on projects for any  
19 other acid plant?

20 A. Yeah. Now that I think about it, after we  
21 finished the DAR project at the Burnside site in April  
22 of '09 -- yeah, April of '09, we were doing -- DuPont  
23 was doing some work at the James River site. And it  
24 required installation of new ductwork and modifications  
25 to existing ductwork, and I actually traveled to the



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1 James River plant to provide input on the installation  
2 of that new ductwork during their project. And I don't  
3 remember what the title of their project was.

4 Q. All right. Any other front-end loading work that  
5 you've done in connection with an acid plant?

6 A. Not that I can think of. Maybe when you ask it  
7 again, I'll think of another one, but not that I can  
8 think of.

9 Q. So the El Paso and James River site; right?

10 A. Yeah.

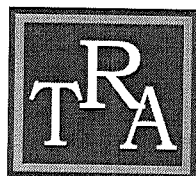
11 Q. Okay. How did you end up changing over and  
12 working at Burnside in October 2009? I believe you  
13 alluded to that earlier, but who did you talk with?

14 A. Don Janezic interviewed me.

15 Q. That was after the DAR project ended?

16 A. Yeah, it was after the DAR project ended. And I  
17 think I mentioned earlier that there was a short stint  
18 at the LaPlace plant as a construction engineer or  
19 construction manager-type role and then back to the  
20 Burnside plant in October of '09. So from April of '09  
21 to October of '09, there was a short stint that I was  
22 back at the Pontchartrain site for some period of time.  
23 I don't remember what the -- I don't recall exactly.

24 Q. So the projects you had been working on before  
25 that time had kind of come to a conclusion and you were



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1 available for a transition?

2 A. You mean the transition to the Burnside plant?

3 Q. Yes.

4 A. The latest project that I had been working on had  
5 come to a conclusion. That was the one at the  
6 Pontchartrain site. I really don't -- I had so many  
7 other projects I was involved in prior to the DAR  
8 project that -- you know, some of them were large, very  
9 large, and I'm sure some of them were still going on,  
10 you know.

11 Q. But you weren't really involved with them at that  
12 point?

13 A. That's correct.

14 Q. So you were available at that point?

15 A. Uh-huh.

16 Q. Who first talked to you about going to Burnside  
17 before you interviewed with Don Janezic?

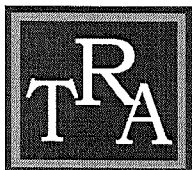
18 A. I really believe it was Don that asked me if I  
19 would be interested in an interview.

20 Q. Okay.

21 A. That's the best I can recall.

22 Q. How long had you known Don? Did you know him  
23 before he called you?

24 A. Yeah. I don't recall exactly how long, but I  
25 know for sure I knew him throughout the -- my stay at



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1 the DAR project, which was from October of '09.

2 Q. October of '08?

3 A. October of '08, yeah.

4 Q. To April?

5 A. To April.

6 I'm sure I knew him before then just because of  
7 the fact that I had already been associated with the  
8 Burnside plant in one shape, form or another, you know.  
9 In fact, in the consulting role that I was in, I was  
10 involved in the front-end loading, that design for the  
11 Burnside project as well, so...

12 Q. So that's another acid plant where you did a  
13 front-end loading project?

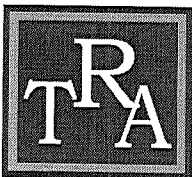
14 A. Well, Burnside, that was at Burnside, yeah.

15 Q. Okay. So when was the first time you became  
16 associated with the Burnside plant? What year, about?

17 A. I believe it was 1995 that BE&K -- yeah. 1987  
18 BE&K got the contract at the LaPlace site, the resident  
19 contract. Okay? And in 1995, they got the contract for  
20 the Burnside plant, and I would say from that point on,  
21 I was in some way, shape or form involved with Burnside.

22 Q. Okay.

23 A. I don't remember all of the details from '95, but  
24 I know that at that point, I would have had some  
25 dealings with them.



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1 Q. Do you remember who you reported to at Burnside  
2 when you were working for BE&K, or did you have to deal  
3 with anybody that was employed by DuPont while you were  
4 working at BE&K doing work at Burnside?

5 A. It was typically the various people that were in  
6 the role that I'm currently in, the maintenance  
7 management role.

8 Q. All right. Do you remember who they were?

9 A. You're really testing my memory. I'll try to  
10 give them to you in order starting with the earliest. I  
11 could be off, but...

12 Mark Aferton, Elizabeth Brown, James Harmon, Kirk  
13 Bailey. Those are the four that I remember. I think  
14 I'm forgetting one, though.

15 Q. All right. Do you know whether they were  
16 engineers by education?

17 A. I think all four of those were engineers, yes.

18 Q. When you worked at Burnside during that period  
19 1995 to, I guess '09 --

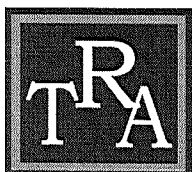
20 A. Let me clarify now. I didn't work at Burnside.

21 Q. Yes.

22 A. I was associated with them --

23 Q. Through BE&K?

24 A. -- because of the -- because of the leveraging  
25 opportunities from the LaPlace site to the Burnside



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1 site. The LaPlace site is a much, much larger site, so  
2 one of the advantages to having the same contractor on  
3 both sites is the opportunities to leverage between  
4 sites and it's especially a cost saver. So the way I  
5 got associated with Burnside was I was assigned to the  
6 LaPlace site, and when leveraging opportunities came up  
7 that would help Burnside, I would get involved in those  
8 at various -- in various aspects of those jobs,  
9 depending on what they were.

10 Q. All right. Did you have any interaction with  
11 operations at Burnside during that time period, '95 to  
12 '04?

13 A. Yeah. A lot of the work that we did that we  
14 leveraged between the two sites was what we call capital  
15 work, which is basically installing new systems. And  
16 you have to tie those systems in to existing systems, so  
17 in order to do that, obviously, you have to get  
18 operations input.

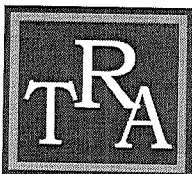
19 Q. During that time, '95 to '04, the operations  
20 supervisor was George Valentine; is that right?

21 A. George was the supervisor I know at some point,  
22 but I think there was a person before him --

23 Q. Okay.

24 A. -- during that timeframe.

25 Q. So he may have started -- he may not have been



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1 the supervisor that whole time?

2 A. Initially, he may not have been.

3 Q. By the time you left in '04, was he the  
4 supervisor?

5 A. Oh, yeah. I'm sure he was.

6 Q. Okay.

7 A. I just don't know at what point he started in  
8 that role.

9 Q. All right. And you and he became friends; is  
10 that right?

11 A. Uh-huh.

12 Q. And y'all are still friends today?

13 A. Uh-huh.

14 Q. Okay. Any other employees at DuPont Burnside  
15 that over time you've kind of become friends beyond just  
16 the workplace?

17 A. Yeah.

18 Q. Who would you say falls in that category?

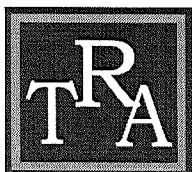
19 A. Probably all of the guys that work for me.

20 Q. Okay. Like the welders or people in the  
21 maintenance department?

22 A. Yeah.

23 Q. Okay. Wade Miller?

24 A. Wade Miller is one. Scott Miller is one. Ivy  
25 Albares, Daniel Boudreaux, Hargy Edwards. Yeah, I think



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1 we're all friends beyond work.

2 Q. Okay. All right. At some point when you were  
3 working for BE&K during that '95 to 2004 or 2009 time  
4 period, did you -- were you ever at Burnside while  
5 Elizabeth Cromwell was at Burnside?

6 A. From when now?

7 Q. Anytime before you were directly employed with  
8 DuPont, did you ever have any --

9 A. No.

10 Q. Okay. Did you understand that Elizabeth Cromwell  
11 wanted to have the position that you have now, that she  
12 had applied for that?

13 A. No.

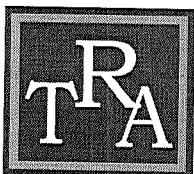
14 Q. Do you know whether there were any other  
15 candidates considered for the position you have now?

16 A. I don't know for sure. I suspect there were, but  
17 I don't know how many or who or what.

18 Q. Did you have to take any tests for the position  
19 you have now?

20 A. During -- no written tests, no. There was an  
21 interview process that I answered, you know, a lot of  
22 the subjective questions that they ask during  
23 interviews, and that was it. I don't recall taking a  
24 test.

25 Q. Okay. When you were at BE&K or KBR before --



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1 A. Never worked for KBR.

2 Q. Okay. That's right. So you left when it was  
3 still BE&K.

4 A. Oh, yeah.

5 Q. At that point, did you have any involvement  
6 working with Lonnie Blanchard?

7 A. Just for clarity, you're asking when I was with  
8 BE&K?

9 Q. Right.

10 A. Not directly. I mean, there was always a level  
11 of supervision between me and him, I guess I should say.

12 Q. Okay. So Lonnie reported to somebody who  
13 reported to you?

14 A. Yeah. During the time that I was the project  
15 superintendent, that was the case, yes.

16 Q. Okay. Did you ever have any problems with Lonnie  
17 Blanchard as an employee, or did you ever hear about any  
18 from the supervisor below you?

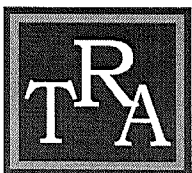
19 A. Not that I can recall.

20 Q. Okay.

21 A. I mean -- no. No.

22 Q. Okay. So Lonnie Blanchard is one of the  
23 maintenance folks that work for KBR, who's the resident  
24 contractor at Burnside; right?

25 A. Correct.



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1 Q. So did you start working with him more after you  
2 became employed directly with DuPont at the Burnside  
3 site in October '09?

4 A. Again, there's still a level of supervision  
5 between Lonnie and myself. Do I see him more often?  
6 Absolutely, because I'm there more, obviously. He still  
7 does not report directly to me, and I don't give  
8 direction to him.

9 Q. Who's between you and Lonnie Blanchard?

10 A. Mark Macha.

11 Q. And he is employed by KBR; right?

12 A. Correct.

13 Q. Mark Macha has an e-mail address on the DuPont  
14 computer system; is that right?

15 A. Uh-huh.

16 Q. Do you know why that is?

17 A. That is pretty typical for resident contractors  
18 to have DuPont e-mail addresses.

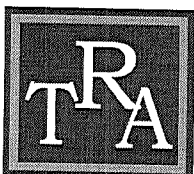
19 Q. Okay. So do you e-mail with him --

20 A. So does Lonnie.

21 Q. Oh, okay.

22 So you've e-mailed with Lonnie on the DuPont  
23 e-mail system?

24 A. I don't know if I've ever sent Lonnie an e-mail,  
25 to be honest with you.



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1 Q. So your communication is more with Mark?

2 A. I have sent Mark a number of e-mails, but I don't  
3 recall sending Lonnie one. Maybe I did. Maybe he was  
4 copied somewhere and I didn't know it, you know, but...

5 Q. Okay.

6 A. Lonnie is not much of a computer guy.

7 Q. All right. Is Mark much of a computer guy?

8 A. So-so.

9 Q. More than Lonnie?

10 A. More so than Lonnie, yeah.

11 Q. How else would you say you communicate with Mark  
12 Macha? Text message, telephone?

13 A. Verbally, obviously, and telephone.

14 Q. Okay.

15 A. I guess some texting but very little.

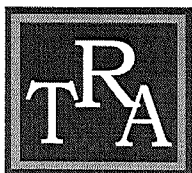
16 Q. All right. Do y'all have any kind of pager  
17 system or anything like that, walkie-talkies?

18 A. Well, we've got radios when we're at work, you  
19 know, when we're on site.

20 Q. All right. So would you say most of the time  
21 when you need to talk to Mark Macha, you pick up the  
22 phone and call him or e-mail or what?

23 A. Pick up the radio, the PA system or just call him  
24 on the phone if he's in his office.

25 Q. All right. What kinds of communication tend to



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1 end up in e-mails with Mark Macha?

2 A. Most of the communication is relative to work  
3 that needs to be done on-site and how to accomplish it.

4 Q. All right. Do you have an understanding of what  
5 the case is about that you're here for today?

6 A. I think so.

7 Q. Okay. What's your understanding?

8 A. I know that Jeff is suing on behalf of the United  
9 States and it's all about an SO3 release, and I'm  
10 assuming he's saying that it's above the reportable  
11 quantities.

12 Q. Okay. Any other understanding that you have?

13 A. Huh-uh.

14 Q. All right. When you say assuming it's above  
15 reportable quantities, where are you getting that  
16 assumption?

17 A. I said I'm assuming that he is alleging that it's  
18 above the reportable quantities.

19 Q. Why would you make that assumption?

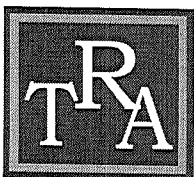
20 A. Otherwise, why would he have a suit?

21 Q. Have you been involved in analyzing the claim at  
22 all in the environmental statutes?

23 A. Huh-uh.

24 Q. Okay. Does any of your --

25 THE WITNESS:



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1 Did you get huh-uh? I meant no.

2 MS. BARNEY:

3 Oh, yeah. I forgot to cover that rule,  
4 yes and no.

5 BY MS. BARNEY:

6 Q. When's the first time, if any, that you had any  
7 training on TSCA, the Toxic Substance Control Act?

8 A. I don't remember the first time, to be honest  
9 with you. I know that it's an annual requirement that  
10 we go through the training, but I don't recall when the  
11 first time was.

12 Q. Okay. So you kind of go through a training  
13 module once a year?

14 A. Yes.

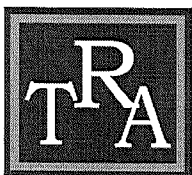
15 Q. Other than that training module annually, can you  
16 think of any time where you've addressed TSCA in any  
17 way?

18 A. No. I can't think of any.

19 Q. Has anyone suggested to you that there's a  
20 reportable quantity for SO3 or SO2 under TSCA?

21 A. I know that there are reportable quantities  
22 spelled out in corporate standards. What they are, I  
23 don't know. And I'm familiar enough with TSCA to know  
24 that it kind of sets forth those guidelines, you know.

25 Q. So I guess my question was, has anybody suggested



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1 to you that there were reportable quantities under TSCA.  
2 And so you're saying that you've kind of been given  
3 reportable quantities as part of DuPont corporate  
4 standards; right?

5 A. I know that they exist.

6 Q. Okay. Under DuPont's corporate standards?

7 A. Uh-huh.

8 Q. Is there anything else, any other way in which  
9 you may have been suggested that there were reportable  
10 quantities under TSCA, if you know?

11 A. Well, our incident reporting system, what we call  
12 MITC, Management Central, I mean, I'm somewhat familiar  
13 with the system, and I do know that when you go into  
14 that system, there's links back to the corporate  
15 standards that make you score certain incidents, and I  
16 think that gets into the reportable quantities in some  
17 way, shape or form. That's another way that I'm  
18 familiar with it. Okay?

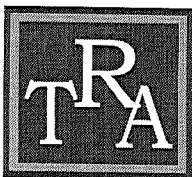
19 Q. Okay. Are you referring to the incident  
20 investigation report?

21 A. Uh-huh. Yes.

22 Q. Not the initial incident report?

23 A. That's correct.

24 Q. Okay. Are you sometimes involved in incident  
25 investigations?



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1 A. Yes.

2 Q. And those give rise to an investigational report  
3 sometimes?

4 A. Sure.

5 Q. Okay. Have there been investigational reports  
6 that were prepared without a formal investigation behind  
7 them?

8 A. There have been first reports written that did  
9 not have formal investigations behind them.

10 Q. Okay. And then if an incident investigational  
11 report is done, every time that's done, is there a big  
12 review team put together and investigation meetings and  
13 that sort of thing, or is -- sometimes is it not that  
14 formal?

15 A. Ask me one more time so I understand.

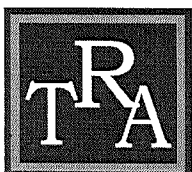
16 Q. Okay. I believe that under the DuPont standards,  
17 there is a mechanism for having sort of a formal  
18 investigation of an incident.

19 A. Uh-huh.

20 Q. Is that your understanding?

21 A. We have a system that we do that reporting  
22 through, Management Central. There is a corporate  
23 standard to determine when you have to do that formal  
24 investigation.

25 Q. All right. And tell me about that.



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1       A. I don't know a whole lot about it. I just know  
2 there's a corporate standard there. I don't even know  
3 the number of the standard, to be honest with you, but I  
4 know there is a standard out there.

5       Q. Are you ever in charge of those investigations of  
6 incidents at DuPont?

7       A. Yes.

8       Q. Okay. What types of incidents would you be in  
9 charge of investigating?

10      A. Typically, it would be any instance that had  
11 anything to do with maintenance or maintenance personnel  
12 involved and/or contractor personnel performing  
13 maintenance work.

14      Q. How many investigations would you say you've been  
15 in charge of since December 2011?

16      A. I don't know. I really don't.

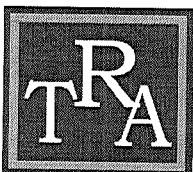
17      Q. Do you know whether there have been any that  
18 you've been in charge of since --

19      A. Oh, yeah. I know there have been some, yeah.  
20 And there haven't been that many, but I know there have  
21 been some.

22      Q. More than one?

23      A. Yeah.

24      Q. There was, I guess, an explosion this past summer  
25 or fall at DuPont Burnside.



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1 A. Yes, there was.

2 Q. And some welders were burned?

3 A. Yes.

4 Q. That would have been the type of incident that  
5 falls under your department?

6 A. No. No. That's much more major than I would  
7 lead. We actually have a team of people for that  
8 investigation.

9 Q. All right. Is there a determination as to the  
10 cause of the explosion?

11 A. As a result of the incident investigation?

12 Q. Yes.

13 A. Yes.

14 Q. And what was the cause?

15 A. Hydrogen buildup in the shell of the exchanger.

16 Q. Okay. Which exchanger?

17 A. The -- what we call the Ipat CIL cooler.

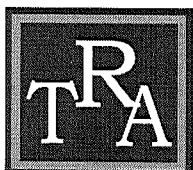
18 Q. So when the welders went to go do the welding,  
19 nobody knew that the hydrogen gas was in there?

20 A. That's correct.

21 Q. Was there supposed to be any sort of blowout of  
22 the equipment before the welders started welding?

23 A. Hindsight, absolutely.

24 Q. But as part of the investigation, y'all  
25 determined that didn't happen?



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1 A. That is correct.

2 Q. Whose job or department would it have been to  
3 make sure the blowout happened?

4 A. Operations.

5 Q. Okay.

6 A. Operations has the responsibility for clearing  
7 the system.

8 Q. So that would have been, I guess, the Elizabeth  
9 Cromwell/Tom Miller line of responsibility?

10 A. Elizabeth Cromwell's, yes.

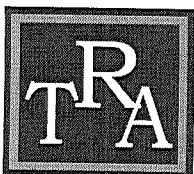
11 Q. Okay. Were the people who were injured people  
12 that you supervise?

13 A. One of the guys directly works for me. He's a  
14 DuPont employee, and the other was a KBR employee that  
15 at the time Mark was supervising.

16 Q. Okay. Was there supposed to be communication  
17 between operations and maintenance as to whether or not  
18 the blowout had occurred? And I mean the blowout of the  
19 gas before, not the explosion.

20 A. Yeah.

21 I guess there's a lot more to it than kind of  
22 meets the eye. This was like the -- between the two  
23 coolers, which are very similar, and they're end to end.  
24 This particular instance was probably the 80 to 100th  
25 time we had plugged one of those two. Okay? So it gets



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1 into it was just general, accepted practice that this  
2 was the way we did it. We've done it 80 times  
3 successfully. So the communication that had typically  
4 taken place did take place.

5 The difference here was the unit was shut down by  
6 operations a little differently than it had been in the  
7 past, which led to formation of weak acid in the shell  
8 of the cooler. And when you form weak acid, you create  
9 corrosion and corrosion generates hydrogen.

10 So if you go back to the initiating event, it was  
11 the way the unit was shut down, the way that the  
12 exchanger was shut down, that initiated the hydrogen  
13 generation.

14 Q. Corrosion of what material generates hydrogen?  
15 Metal?

16 A. Huh?

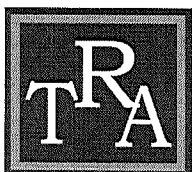
17 Q. Metal?

18 A. Yeah, metallic.

19 Q. Do you know whether there's been any disciplinary  
20 action with respect to Elizabeth Cromwell as a result of  
21 that incident?

22 A. I don't know.

23 Q. All right. And in connection with your  
24 understanding of the suit that we're talking about, this  
25 suit that we were talking about a little while ago, you



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1 understand that it has to do with gas leaks from various  
2 equipment at DuPont Burnside?

3 A. Yes.

4 Q. All right. And that equipment is the HIP, the  
5 CIP, the converter, the superheater and ductwork and  
6 plenums that might be attached to that equipment; is  
7 that right?

8 A. Yes. Right.

9 Q. So for the rest of the depo, I'll call that "the  
10 equipment at issue" or just "the equipment".

11 A. Okay.

12 Q. But if you need clarification, just ask me, but  
13 instead of having to say that whole phrase, I'll refer  
14 to it as "the equipment".

15 The maintenance of that equipment falls under  
16 your area of supervision?

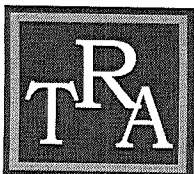
17 A. That's correct.

18 Q. Were you involved at all, maybe in your prior  
19 consulting role, in the installation of that equipment?

20 A. I was.

21 Q. What was your role with the installation?

22 A. As stated before, I was the construction manager  
23 or I don't even know what my title was, but I was one of  
24 the construction managers for the DAR project, which  
25 those units were installed as part of that project.



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1 Q. DAR stands for dual absorption --

2 A. Correct, retrofit.

3 Q. What's the R?

4 A. Retrofit.

5 Q. All right. Right now -- well, for the -- let's  
6 say, since December 2012, there had been hoses and boxes  
7 attached to a vacuum system that are there to try to  
8 capture the leak, gases leaking out of that equipment;  
9 is that right?

10 A. That's correct.

11 Q. Okay. And those hoses are made of what?

12 A. I don't know exactly what they're made of. Some  
13 type of a plastic, some of the hoses are, and then we've  
14 got some metallic hoses that are flexible.

15 Q. All right. Are the plastic ones black?

16 A. Yes, they are.

17 Q. And they're corrugated?

18 A. Yes, they are.

19 Q. Is there any PVC involved?

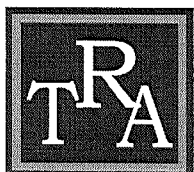
20 A. Yes, there is.

21 Q. So you have metallic, flexible, black plastic  
22 corrugated and white PVC?

23 A. Yes.

24 Q. Any other types of hoses involved in that system?

25 A. Not that I'm aware of.



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1 Q. Are the metallic, flexible pieces used closer to  
2 the equipment where it's hot?

3 A. That's correct.

4 Q. And they go for some run of feet --

5 A. Uh-huh.

6 Q. -- maybe a dozen feet or 10 or 12 feet or 20  
7 feet?

8 A. I'd say eight to 12 feet.

9 Q. All right. And then the black plastic corrugated  
10 pick up from there?

11 A. Uh-huh, then go back to the PVC.

12 Q. And where -- is the PVC hooked back to the vacuum  
13 side of the process?

14 A. That is correct.

15 Q. And in some areas of leaks, there's a metal box  
16 that's placed around the leaking area to try to direct  
17 the gas into the hose system?

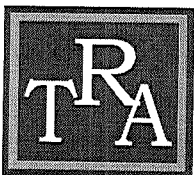
18 A. Correct.

19 Q. Is any of that, I'll call it an apparatus, the  
20 hoses, the boxes -- well, strike that.

21 Are the hoses and the metal boxes part of the  
22 engineered design for the equipment at issue?

23 A. No.

24 Q. All right. I think one of the topics that you  
25 were designated as the person most knowledgeable on is



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1 the decision to use the hose/metal box apparatus in  
2 connection with the leaking equipment.

3 A. Correct.

4 Q. Were you the one who decided to use that  
5 system --

6 A. No.

7 Q. -- to try to capture the leaks?

8 Who decided to do that?

9 A. I don't know.

10 Q. Okay.

11 A. Way before my time.

12 Q. So there had been sort of this idea for trying to  
13 capture leaks this way before December 2011 or before --

14 A. Oh, yeah. Absolutely.

15 Q. Okay. So how did it come to be used starting in  
16 December 2011 on the equipment at issue?

17 A. It really didn't come to be used starting  
18 December 2011. It had been used in the past.

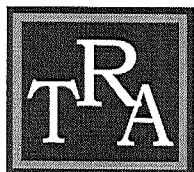
19 Q. On different equipment?

20 A. On various equipment.

21 Q. Okay.

22 A. And then -- I don't know the significance of  
23 December 2011.

24 Q. Well, there's testimony that the leaks that are  
25 at issue in this equipment, that as of December 2011,



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1 those leaks started and have never really been able to  
2 be fully stopped.

3 A. Oh.

4 MS. WEINER:

5 And that's when his allegations of the  
6 lawsuit start, and that's why we're --

7 MS. BARNEY:

8 Focusing on that time period.

9 THE WITNESS:

10 Okay. Okay.

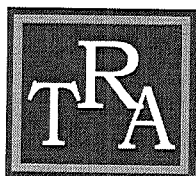
11 MS. WEINER:

12 -- just focussing on that time.

13 BY MS. BARNEY:

14 Q. And I guess I can confirm with you that in the  
15 past when there was a leak at Burnside in some  
16 equipment, the plant was able to do some sort of  
17 permanent fix where they actually stop the leak, and  
18 then at some point, maybe towards the end of the 2011,  
19 the CIP, the HIP, the converter and superheater started  
20 having leaks that y'all really weren't -- y'all really  
21 weren't able to stop completely. Is that your  
22 understanding?

23 A. I don't know that I agree with the whole  
24 statement. I really can't speak for what happened in  
25 the past.



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1 Q. Okay.

2 A. Prior to 2009. So I don't know if they were able  
3 to permanently repair all leaks. I don't know that. I  
4 do know that from 2011 on with the HIP and CIP,  
5 especially in the converter first pass exit, we have had  
6 to continuously or we had had to continuously pay  
7 attention to it so that we did keep it under control.

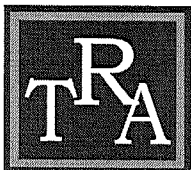
8 Q. But you were never able to fix the leaks in the  
9 equipment, the plant wasn't?

10 A. I was never able to fix all of the leaks in the  
11 equipment. We did have shutdowns where we went down and  
12 I was -- and we were successful in fixing leaks. The  
13 issue there is anytime you take an acid plant down that  
14 runs at the temperatures that these run at, when you  
15 shut it down, then you go through a temperature cycle.  
16 You know, you may go and fix the leak that you went  
17 after, and then when you start back up, because of the  
18 temperature cycling that it does, you have another leak  
19 somewhere.

20 Q. All right.

21 A. And that's their policy. It's just the way it  
22 is.

23 Q. When you would fix one spot that was leaking,  
24 then that would add pressure to the system and another  
25 leak would pop up somewhere else. That happens as well?



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1       A. Nothing to do with adding pressure to the system.  
2       Nothing.

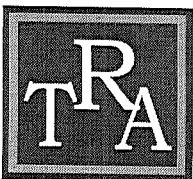
3       Q. As far as you know?

4       A. No. I mean, you don't change the pressure of the  
5       system that big by fixing a little leak. I mean, it  
6       just -- that's not practical or possible. Again, I  
7       don't think it's anything to do with the pressure. It's  
8       when you cycle the temperatures of a plant that runs  
9       like this where it runs this hot, you have potential  
10      of -- when things cool and contract, they move, and when  
11      they move, you have a potential of creating another  
12      crack somewhere.

13      Q. Okay. So I guess once those leaks started that  
14      you just described, the ones that sort of continued in  
15      that equipment, at some point, y'all decided to use the  
16      hose/metal box vacuum system to try to deal with those  
17      leaks; right? That system that had been used  
18      periodically before?

19      A. Yeah. The way it works and the way it happens is  
20      if you develop a leak, a gas leak, the first thing  
21      you do is you -- you know, we go out and look at the  
22      leak and say, okay, how can we -- what can we do to go  
23      after this; how can we contain it 100 percent.

24              Typically, the first response is you get a hose  
25      on it and get it pulled back into the system, and you're



1 pulling the processed gas right back into the system so  
2 that it's not leaking into the atmosphere. If the hose  
3 alone don't work, then you consider can we put a box  
4 over it. Throughout all of this -- and there's other  
5 considerations that have to take place like personal  
6 protective equipment for people, making sure you're not  
7 exposing people and that kind of stuff, whether or not  
8 it is controllable. If not, can we -- should we just  
9 shutdown, you know. All of those things go into every  
10 time we do this, you know.

11 Q. Okay. And I guess I would just move to strike  
12 that as nonresponsive, which is just a deposition thing.  
13 Don't worry about it. We can hit some of those topics  
14 in a minute.

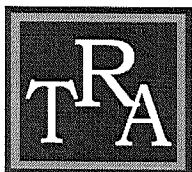
15 But my question was, the plant made the decision  
16 to start using the hose/metal box system on the HIP, the  
17 CIP and the converter and the superheater at some point  
18 after December 2011; they decided to try to control the  
19 leaks with that system?

20 A. That's just not true. They were using the  
21 hose/metal box scenario way before 2011.

22 Q. Right. I understand that, on various equipment.

23 A. Yeah.

24 Q. And so my question is, when the HIP, the CIP, the  
25 converter and superheater and the ductwork kept leaking,



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1 at some point, y'all decided to rely on this hose/metal  
2 box system to try to suck up those leaks from the  
3 equipment at issue; right?

4 A. Decided to rely on...

5 It kind of goes back to what I said earlier about  
6 the temperature cycling. The answer to your question is  
7 yes, we do make those decisions consciously, whether or  
8 not we're going to put a box and a hose on it versus  
9 shutting the plant down.

10 Q. All right. And that hose and box system has been  
11 used on the equipment at issue up until the shutdown on  
12 September 27, 2013?

13 A. Yes.

14 Q. Has it been reinstalled on the equipment at issue  
15 after y'all restarted on October 27, 2013?

16 A. Yes.

17 Q. At what point was the hose and box system  
18 reinstalled after the startup on October 27, 2013?

19 A. Almost immediately after the startup.

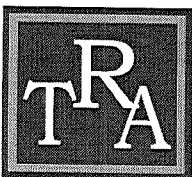
20 Q. Like the next day?

21 A. Yes.

22 Q. Or two days later?

23 A. I would say the next day, just going from memory.

24 Q. Were you there for the startup on October 27,  
25 2013?



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1 A. No.

2 Q. Do you know why you weren't there?

3 A. No, I don't know why. Probably tired.

4 Q. All right. Do you know why the hose and box  
5 system was not attached at the time of the startup?

6 A. Yes, I do.

7 Q. Why was that?

8 A. Because we thought we had all of the leaks  
9 repaired.

10 Q. All right. And so at some point, you became  
11 aware that that was not the case?

12 A. That's correct.

13 Q. And so you directed that the hose and box system  
14 be reinstalled?

15 A. Absolutely.

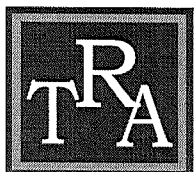
16 Q. All right. What equipment is the hose and box  
17 system currently attached to, among the equipment at  
18 issue, like the HIP, the CIP, the converter?

19 A. HIP, CIP, converter. That's it. HIP, CIP,  
20 converter.

21 Q. So it's no longer attached to the superheater?

22 A. No.

23 Q. Do you know how many different places on the HIP,  
24 the CIP and the converter there are hoses placed at leak  
25 spots?



1 A. One on the HIP, one on the CIP, two on the  
2 converter.

3 Q. And do you know what location on the HIP the hose  
4 is focused on?

5 A. North side in the center.

6 Q. There's no better way to describe that location  
7 than the center?

8 A. Center top of lower plenum.

9 Q. Okay. What about on the CIP; where is the hose  
10 focused?

11 A. Actually, I think you can use the same  
12 description. It's north side -- yeah. About center top  
13 of the lower plenum, yeah, something like that.

14 Q. What about on the converter, the two there?

15 A. Converter first pass exit and second pass inlet.

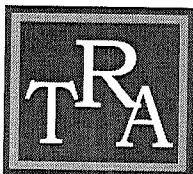
16 Q. Okay. Is it your understanding that a permanent  
17 fix to that equipment is going to take a long time, like  
18 maybe a year -- wait. Let me strike that.

19 Is it your understanding that that equipment is  
20 going to have to be replaced and that the replacement  
21 could take up to a year?

22 A. What equipment?

23 Q. The CIP, the HIP, the converter.

24 A. We would have to separate them for me to talk  
25 about it.



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1 Q. All right. Tell me about that.

2 A. Yes. It's my understanding that we are moving  
3 forward with the replacement of the CIP and HIP and it's  
4 going to take about a year. I think -- it's my  
5 understanding that there's still scope development to do  
6 on the repair or replace options for the converter.

7 Q. Who is going to do that scope development with  
8 regard to the converter?

9 A. Lord, that's a team of people. I don't know who.  
10 At this point, I don't know that -- could I name one  
11 person.

12 Q. It doesn't have to be one person, just the group.

13 A. Yeah. I'll just say the acid technology center.

14 Q. Okay. Any outside contractors that you know of?

15 A. Involved in --

16 Q. In that scope development.

17 A. -- in that scope development for the converter?

18 Q. Yes.

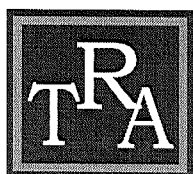
19 A. No.

20 Q. And just for the record, acid technology center  
21 is something within DuPont; right?

22 A. That's correct.

23 Q. Who at Burnside will be involved in the scope  
24 development, if anybody?

25 A. Myself, Dan Monholland, Tom will have a say.



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1 That's probably it.

2 Q. Okay.

3 MS. BARNEY:

4 Y'all want to stop and eat?

5 MS. WEINER:

6 Sure.

7 (A recess was taken.)

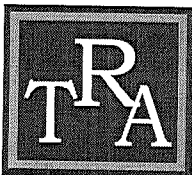
8 BY MS. BARNEY:

9 Q. We were talking about, before the break, scope  
10 development that's planned for the converter. And is  
11 that to determine whether the equipment can be repaired  
12 or whether it has to be replaced?

13 A. Yes.

14 Q. What does scope development mean?

15 A. How do I best describe it? In this case,  
16 replacement is a large capital expenditure regardless of  
17 what option you use for that replacement. So repair has  
18 to be one of the considerations, and if, in fact, we can  
19 come up with a repair strategy that will result in a  
20 quality installation, then we may elect to do that. The  
21 scope development is to identify the steps that it takes  
22 to do each of the options -- and there are more than one  
23 option in this case -- so that you can develop estimates  
24 for each option to help in the determination as to which  
25 option you use.



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1 Q. All right. So you're going to try to look at  
2 repair just from a practical standpoint and see if  
3 that's an option basically?

4 A. Yeah, repair versus replace.

5 Q. Would it be a different type of repair effort  
6 that was undertaken during the recent shutdown?

7 A. It would be more extensive, yes.

8 Q. Okay. What kind of repairs were made to the  
9 converter during the recent shutdown?

10 A. Internal refractory repairs, internal weld  
11 repairs and external weld repairs.

12 Q. All right. Why did you have to do the internal  
13 repairs, the refractory repairs say, or do you know? Is  
14 that more of a process question?

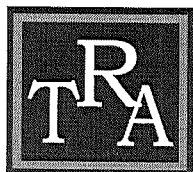
15 A. The initiating event for the leaks on the  
16 converter that we were dealing with up until the  
17 shutdown was damage to the refractory in some way, shape  
18 or form.

19 Q. All right. So --

20 A. So --

21 Q. -- what about the internal weld repairs? I guess  
22 same thing, those are related?

23 A. Yeah. Let me just -- maybe I can just clarify  
24 something. First pass exit of the converter runs  
25 extremely hot, okay, way up in the probably 1,000, 7,



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1 800 C. So if you just consider how hot that is in  
2 Fahrenheit, if you're refractory fails, your external  
3 shell will fail because it will literally be -- so  
4 anytime you get a leak like that, you know that you've  
5 got some kind of an issue with your refractory, so you  
6 have to address that when you have the first chance to  
7 do that.

8 Q. Okay. And internal weld repairs, were those in a  
9 different area than the refractory, or is it all sort of  
10 related?

11 A. No. It was all related.

12 Q. External weld repairs, is that on the outer shell  
13 itself?

14 A. Correct.

15 Q. Okay. And I think you've produced or the plant  
16 has produced some photos from the turnaround, which we  
17 can walk through at some point.

18 A. Yeah.

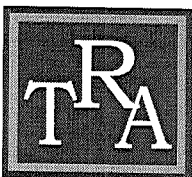
19 Q. As far as you know, do you have photos of the  
20 internal refractory areas, the internal weld areas and  
21 the eternal weld areas?

22 A. Uh-huh.

23 MS. WEINER:

24 Is that a yes?

25 THE WITNESS:



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1                   Yeah, that's a yes. I'm sorry.

2                   MS. WEINER:

3                   That's all right. We'll make sure we  
4 get it on the record there.

5                   THE WITNESS:

6                   Yeah.

7 BY MS. BARNEY:

8           Q. Do you know who took the photographs that y'all  
9 produced?

10          A. Ivy Albares took most of them, but I don't know  
11 that he took all of them. Could have been Ivy or Scott  
12 Whitlow. Some of the photographs of the refractory  
13 probably were Guy McClusky, which is probably a new name  
14 in this mix.

15          Q. Where does he work out of?

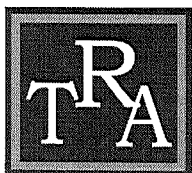
16          A. He actually works out of the DeLisle plant,  
17 DuPont DeLisle plant in South Mississippi. He is a  
18 refractory expert. He's a KBR employee.

19          Q. Okay.

20          A. He was in on our shutdown helping us out as a  
21 resource.

22          Q. All right. Did you direct those guys to take  
23 photos of every area on the converter that could lead to  
24 a leak or be responsible for a leak?

25          A. No.



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1 Q. Okay. Do you know how they came to photograph  
2 the areas that they photographed?

3 A. They are experts at what they do and the intent  
4 of them taking the photographs was to, No. 1, they bring  
5 the photographs back into the conference rooms and they  
6 sit down as a group and review those photographs. You  
7 know, for example, if somebody -- if one person goes  
8 inside the converter -- obviously, not everyone's going  
9 to go inside -- that person takes photographs, comes  
10 back. They sit across the table from one another. They  
11 review the photographs; come up with a repair strategy  
12 collectively.

13 Does that answer your question?

14 Q. Yeah. And that's kind of how they came to take  
15 the pictures they took?

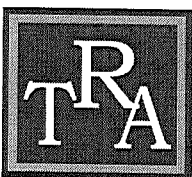
16 A. Correct.

17 Q. Because they were taking pictures of what they  
18 thought they needed to work on; is that fair?

19 A. That's correct.

20 Q. Okay.

21 A. And then the pictures of -- you know, it's kind  
22 of before and after; right? Take a picture of the  
23 issues they found and develop the repair strategy and  
24 then they take a picture of the repair after it's  
25 completed so that we've got that documentation, which



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1 allows us in our next shutdown we go in, we look at the  
2 same area that we repaired. We compare it back to the  
3 repaired picture and say, okay, you know, what's been  
4 the effect over the last two years to that repair.

5 Q. Okay.

6 A. So it's historical information as well.

7 Q. So as far as you know, you would think that they  
8 took pictures of the major problem areas, or do you  
9 think they took pictures of every possible problem area  
10 on the converter?

11 A. I don't know if they took pictures of every  
12 possible problem in there. I don't know that.

13 Q. Okay. All right. How about the HIP; do you know  
14 what repairs were made to the HIP during the turnaround?

15 A. I know most of the repairs that were made.

16 Q. Okay. What were those?

17 A. I wish you had the pictures.

18 MS. WEINER:

19 We do. The pictures are right here.

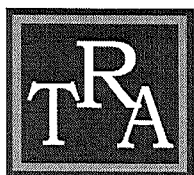
20 MS. BARNEY:

21 Yeah. We can go through those in a  
22 second.

23 THE WITNESS:

24 You're testing my memory.

25 BY MS. BARNEY:



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1 Q. For the HIP, you would sort of refer to the  
2 pictures?

3 A. Yeah. The CIP I would like to refer to the  
4 pictures.

5 Q. All right. Would the questions about who took  
6 the pictures apply both same to the HIP and the CIP as  
7 they do to the converter, or were there different people  
8 involved?

9 A. Could have been different people involved in the  
10 HIP and CIP in that we had an inspection company out  
11 there, Acuren, and they were involved in some of that  
12 inspection and it wouldn't surprise me if they took some  
13 pictures and went back to Ivy with them or Scott.

14 Q. Okay. Anybody else that you could think of that  
15 might have taken pictures with regard to the HIP or the  
16 CIP and not have been involved in the converter  
17 pictures?

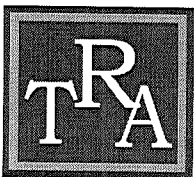
18 A. No.

19 Q. Okay. We sent a subpoena to Acuren, and I'll  
20 just represent to you that they responded that they  
21 don't keep any report or information, that they're told  
22 to download it to DuPont's computer system.

23 A. Uh-huh.

24 Q. Are you familiar with that?

25 A. Uh-huh.



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1 Q. That's accurate?

2 A. Yes, I am.

3 Q. So anything Acuren did with regard to work at  
4 DuPont would have been downloaded to which software is  
5 it?

6 A. UltraPIPE.

7 Q. UltraPIPE?

8 A. Other than pictures. Pictures would not have  
9 went to UltraPIPE.

10 Q. So regular documents would go to UltraPIPE?

11 A. Thickness data would go to UltraPIPE.

12 Q. All right. So y'all have the thickness data for  
13 this equipment at issue on UltraPIPE at DuPont?

14 A. Yes.

15 Q. Is that something you could put on a disk or  
16 print out or how voluminous is it, I guess is the  
17 question?

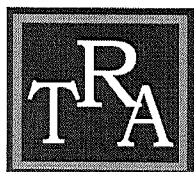
18 A. I think it could be put on a disk.

19 MS. BARNEY:

20 Monique, this might have come up on a  
21 prior deposition, but I guess we'll just request that we  
22 get that information.

23 MS. WEINER:

24 Okay. I'll look, and, you know, we'll  
25 coordinate offline as to how voluminous it is, that type



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1 of thing.

2 MS. BARNEY:

3 Okay.

4 THE WITNESS:

5 It just comes in the form of a  
6 spreadsheet.

7 MS. WEINER:

8 Is it Excel?

9 THE WITNESS:

10 Uh-huh.

11 MS. WEINER:

12 Okay.

13 BY MS. BARNEY:

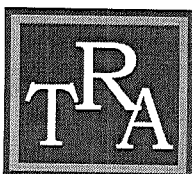
14 Q. Do you have thickness data for the equipment at  
15 issue going back historically?

16 A. I don't know. And I'll tell you the reason I  
17 don't know that. I don't know if we took what we call  
18 baseline readings in 2009. I don't know, so...

19 Q. Whatever thickness data there is with regard to  
20 the equipment at issue, would it be on UltraPIPE at  
21 DuPont?

22 A. I think if it was pre-2010, it probably would  
23 not.

24 Q. Okay. If there were some pre-2010, like maybe  
25 the baseline thickness data, where would that be?



1 A. It would just have to be in the equipment files.

2 Q. Which are like hardcopy files?

3 A. There are hardcopy files and then there are  
4 electronic versions of the same.

5 Q. So there's an electronic equipment file for each  
6 piece of equipment at the site or at least with respect  
7 to the equipment at issue?

8 A. There are electronic files on the server that is  
9 accessible from the site.

10 Q. All right. That's true; there's a file for the  
11 HIP?

12 A. Uh-huh.

13 Q. And then there's a file for the CIP?

14 A. That's correct.

15 Q. A file for the converter?

16 A. That's correct.

17 Q. And then a file for the superheater?

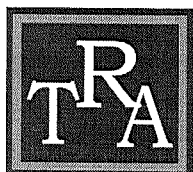
18 A. That's correct.

19 Q. Okay. And what is kept in that file?

20 A. Design data, equipment drawings, vendor  
21 information, really anything relative to that piece of  
22 equipment. Engineering design, construct, operate  
23 should be in the file.

24 Q. Okay. So the maintenance history would be there?

25 A. No.



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1 Q. Okay. The thickness --

2 A. Original --

3 Q. -- data before 2010 would be there?

4 A. Original design thickness will be shown on the  
5 drawings. I just don't know that there were any  
6 thickness -- ultrasonic thickness readings done prior to  
7 2013.

8 Q. Okay.

9 MS. BARNEY:

10 Monique, I guess we would ask for those  
11 files on equipment at issue as well.

12 MS. WEINER:

13 That have the original design, all of  
14 that kind of stuff?

15 MS. BARNEY:

16 Yeah, whatever is in the -- like the HIP  
17 file, the CIP file, the equipment at issue.

18 MS. WEINER:

19 Okay. I will look into those.

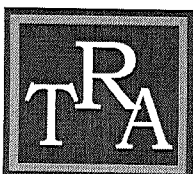
20 MS. BARNEY:

21 Okay.

22 BY MS. BARNEY:

23 Q. Have you reviewed the thickness data with regard  
24 to the HIP and the CIP?

25 A. No.



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1 Q. Any reason why?

2 A. I don't see the need for me to review it right  
3 now.

4 Q. Okay. Do you know whether anybody else at DuPont  
5 has reviewed that thickness data? And I'm talking about  
6 the data that was downloaded by Acuren following the  
7 recent turnaround.

8 A. Oh, post-2013, you're talking about?

9 Q. Yeah. Have you reviewed that thickness data?

10 A. No, I have not reviewed it. And then there was a  
11 second question.

12 Q. Do you know if anybody at DuPont has reviewed it?

13 A. Yes. Ivy would have reviewed it. Okay? And...

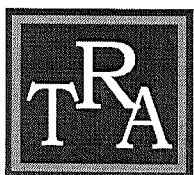
14 Q. Anybody else?

15 A. I don't know. I know that Ivy reviews the data,  
16 and if he sees something that's questionable that he  
17 needs to pull somebody else into with metallurgical  
18 background, that kind of stuff, he does that. I just  
19 don't know if he had to do that.

20 Q. Do you know the results of the thickness testing  
21 on the HIP and the CIP?

22 A. I know that if anything would have been  
23 recognized, that that would have rendered the equipment  
24 inoperable, they would have come to me.

25 Q. What parameters did they have for determining



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1 whether the equipment was inoperable?

2 A. I'm sure they used the engineering design  
3 information design data.

4 Q. Which would be in the equipment file?

5 A. Uh-huh.

6 Q. And so the design data would say if the equipment  
7 gets to be this thin, then quit using it?

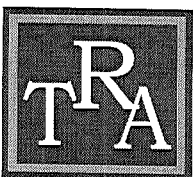
8 A. The design data and the ASME code would say that,  
9 yeah.

10 Q. So you think somebody's compared the ASME code  
11 for the equipment with the Acuren thickness results?

12 A. I don't know.

13 Q. If anybody at DuPont did that, it would be in the  
14 maintenance area; right?

15 A. No. I mentioned before, during turnarounds, I  
16 pull in resources from various locations, metallurgists,  
17 code specialists, that kind of stuff. What I expect and  
18 what I've seen in the past and I'm sure it would have  
19 happened this time is they get all of the data from the  
20 specialty contractors, the Acurens of the world, they  
21 come out and they gather the data for us. They do the  
22 hands-on work. The DuPont guys, the experts, review  
23 that data. That's Ivy; that's Scott Whitlow, those  
24 guys. Okay? They review that data and what I expect is  
25 if they see any issues that says, "Hey, we better raise



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1 a red flag here that this piece of equipment is reaching  
2 the end of its life," then they come to me and say that,  
3 and I have not heard that.

4 Q. So you're going on sort of an absence of a red  
5 flag --

6 A. That's correct, yep.

7 Q. But you haven't gotten a report from them that  
8 sort of compares the ASME codes with the thickness  
9 results from Acuren so that you can confirm the results?

10 A. Have not.

11 Q. Do you know if anybody at DuPont Burnside has  
12 seen such a report?

13 A. No.

14 Q. Okay.

15 A. No, I don't know.

16 Q. Do you know whether anybody has asked Ivy or  
17 Scott Whitlow to do a report like that?

18 A. No.

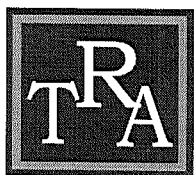
19 Q. You haven't asked them to?

20 A. I have not.

21 Q. If they were asked to do it, do you think you  
22 would mostly likely be the person that would relay that  
23 request if it didn't originate with you?

24 A. Not necessarily.

25 Q. Who could be one of the people that would ask



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1 Scott Whitlow or Ivy to do a report like that for the  
2 Burnside plant other than you?

3 A. The reliability engineer.

4 Q. Who is that?

5 A. Vandell Sturgeon.

6 Q. And you just don't know whether he has or not?

7 A. I don't.

8 Q. Okay. I take it Tom Miller didn't ask for a  
9 report like that before starting back up October 27,  
10 2013; right?

11 A. I know he didn't ask me for a report like that.

12 Q. Okay. And as far as you -- you don't know if he  
13 asked anybody else for such a report?

14 A. I don't know.

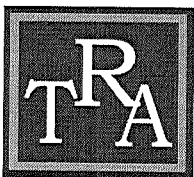
15 Q. Okay.

16 A. I wouldn't expect him to.

17 Q. Okay. Any reason why?

18 A. Yeah. And that's the reason I said it in opening  
19 it up a little bit. Given the failure modes that we've  
20 seen, okay, it has not been a corrosion thinning issue.  
21 It's been a stress analysis, temperature cycling,  
22 cracking. Those have been the issues versus a general  
23 thinning of the vessel walls so...

24 And then, secondly, you know, we've made the  
25 decision we're going to replace the HIP/CIP within a



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1 year, so the information that at that point in time is  
2 not as valuable as if you were going to try to run it  
3 for another 10 years because that information is  
4 typically used to identify expected life.

5 Q. Okay. And as far as you know, the failures that  
6 have been brought to your attention aren't, I think in  
7 your words, due to wall thinning; right, that's based on  
8 the information you have?

9 A. That is correct.

10 Q. Okay. Did you physically -- well, let me --  
11 before I move on, are there any thickness testing done  
12 on any equipment at issue besides the HIP and the CIP?  
13 Would there have been thickness testing on the  
14 converter?

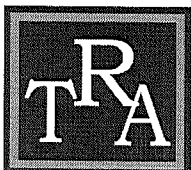
15 A. Yes.

16 Q. So all of that same discussion would apply not  
17 only to the HIP and the CIP, but the converter as well  
18 in terms of if there's not a report about it, you think  
19 somebody would have raised a red flag if the results  
20 didn't meet the ASME codes in the equipment file, all of  
21 that would be the same for the converter?

22 A. Not really.

23 Q. Okay.

24 A. Not really. We were using the ultrasonic  
25 thickness testing on the converter to identify the



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1 limits of our repair.

2 Q. Okay. And so you did the testing to see where  
3 the thin areas were so that you could direct repairs to  
4 those areas?

5 A. Yeah. That's -- stated that way is okay, I  
6 guess.

7 Q. Okay. Do you know what the workers would do on  
8 the thin areas? Would they take a piece of sheet metal  
9 and weld it over it, or how would they address that?

10 A. You want to defer to the pictures?

11 Q. Yeah, if you want to get into that, we can get to  
12 the pictures.

13 A. Yeah, we can.

14 Q. All right. So with respect to the converter, I  
15 guess somebody compared the thickness testing with the  
16 ASME codes before the repairs?

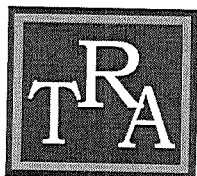
17 A. No, I don't think that's the case. In fact, I  
18 don't even think that the converter is a coded vessel,  
19 so...

20 Q. So you don't think it has ASME codes?

21 A. I'm sure it's not a huge type vessel, so I know  
22 it don't fall under ASME. I'm just not sure what  
23 standard it does fall under. Probably EPI.

24 Q. Okay.

25 A. But Scott Whitlow can tell you that off the top



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1 of his head, but, no.

2 Q. Do you know whether there was any comparison of  
3 the results of the thickness testing of the converter  
4 with the EPI code requirements?

5 A. No, I don't know.

6 Q. And the same thing as before, you didn't get a  
7 report on that or ask for a report on that?

8 A. Correct.

9 Q. And you don't know whether anybody else asked for  
10 a report about that; right?

11 A. That's correct.

12 Q. Have you ever yourself observed a crack in any of  
13 this equipment?

14 A. Yes.

15 Q. Okay. When's the first time that you would say  
16 that you saw a crack in the equipment at issue?

17 A. 2010.

18 Q. Okay.

19 A. I'm guessing.

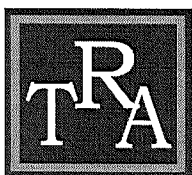
20 Q. Okay. Do you remember which piece of equipment  
21 it was?

22 A. Probably the converter.

23 Q. Do you remember where it was?

24 A. First pass exit.

25 Q. Okay. And do you remember about what it looked



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1 like, like how long, how wide?

2 A. No, I really don't.

3 Q. Did somebody point it out to you? Did they have  
4 to say see right here, show it to you, or did you find  
5 it yourself?

6 A. First of all, I'm guessing on the timing as far  
7 as 2010. Again, I just know that we've dealt with  
8 cracks through the years. Okay?

9 Q. Okay.

10 A. And the way it would have happened would have  
11 been we'd have noticed a leak. We would have went up,  
12 visual inspected, put a hose on it, et cetera, and when  
13 I actually saw the crack would be when we shut the plant  
14 down to make the repair.

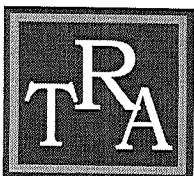
15 Q. Okay. So like a hot shutdown, or is this going  
16 back to --

17 A. Yeah, like a hot shutdown. That would have been  
18 the first time.

19 Q. Okay.

20 A. So that's happened more than one time. So I can  
21 tell you that the leaks that I observed on the first  
22 pass exit, none of the individual leaks were very large  
23 at all. Most of them were just cracks in a weld or  
24 something like that.

25 Q. Okay. So you're talking about like less than a



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1 foot long?

2 A. Oh, absolutely. We're talking about less than  
3 six inches long.

4 Q. Okay. All right. So maybe like two to six  
5 inches, something like that; is that what you recall  
6 seeing?

7 A. What I have seen has been anywhere from a quarter  
8 inch long to two inches long.

9 Q. And that was back in 2010?

10 A. No. I'm just saying that through the years, the  
11 ones that I have put my eyes on have been small, that  
12 size.

13 Q. So you're saying the longest crack you've ever  
14 seen --

15 A. On the converter.

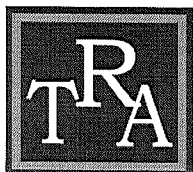
16 Q. -- on the converter is -- what's the range?

17 A. Two inches. Quarter inch to two inches.

18 Q. Okay. In order to see the cracks on the  
19 converter that you've seen, did insulation have to be  
20 removed?

21 A. Uh-huh.

22 Q. When you have gas leaks out of these cracks,  
23 let's say, on the converter and they're under  
24 insulation, the gas can kind of go in different  
25 directions under the insulation?



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1 A. Uh-huh.

2 Q. That's right?

3 A. That's correct.

4 Q. And then the gas kind of pops out based on where  
5 the insulation is?

6 A. It goes the path of least resistance.

7 Q. Okay.

8 A. Yeah.

9 Q. So when you put a hose at a leak source,  
10 sometimes you're putting it at the location where it's  
11 coming out of the insulation?

12 A. That is correct.

13 Q. Not exactly where the crack in the vessel is;  
14 right?

15 A. Could be. That could be the case, yes.

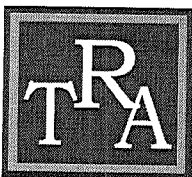
16 Q. They might happen to be in the same spot?

17 A. Might be, may not be, yeah.

18 Q. And I guess with weather and the heat of the  
19 equipment and vibration and all of the other stuff, the  
20 areas that the gas comes out of the insulation can  
21 change from time to time?

22 A. I guess it could, yeah.

23 Q. Okay. And that's part of the challenge that I  
24 guess y'all face in the maintenance department is sort  
25 of keeping track of that?



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1 A. Yeah. Yeah, I guess.

2 Q. Okay. When would you say is the first time you  
3 saw a hole or a crack in the HIP?

4 A. I would guess sometime in 2011.

5 Q. Okay. Do you remember where it was on the HIP?

6 A. The first one that I saw was on the south side.

7 Q. And about --

8 A. South side on top of the -- kind of center on top  
9 of the plenum.

10 Q. Top of plenum?

11 A. Uh-huh.

12 Q. Okay. And about how long was it; do you  
13 remember?

14 A. It was probably nine inches.

15 Q. And I guess the width of the crack sort of gets  
16 bigger and smaller depending on the temperature of the  
17 vessel; is that right? Does it expand?

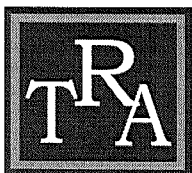
18 A. You mean does it grow?

19 Q. Yeah. I think you said earlier that the  
20 equipment expands when it gets hot.

21 A. Yes.

22 Q. So I guess the crack gets bigger when it gets hot  
23 and closes up a little when it gets cooler, or does it  
24 not affect the width of the crack?

25 A. That question is difficult to answer. It does



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1 affect the crack. It does.

2 Q. Okay. The heat does?

3 A. Yes. But at times, it works exactly opposite of  
4 what you said. You know, if it's actually a crack in  
5 the weld, when the metal heats up and expands, it can  
6 actually close that crack up.

7 Q. Okay.

8 A. So it kind of depends on the configuration and  
9 where the crack is as to whether it would open up or  
10 close up.

11 Q. All right. How wide was the nine-inch crack, if  
12 you recall, that you saw in the HIP in 2011?

13 A. I don't remember how it looked exactly. I don't  
14 know. We've got a picture of it, though.

15 Q. The one you saw back --

16 A. Yeah.

17 Q. -- in 2011?

18 A. Yeah.

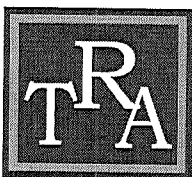
19 Q. Okay. So they got a picture of that one in this  
20 latest turnaround?

21 A. No. It was fixed in 2011.

22 Q. Okay. So how do you have a picture of the one  
23 from 2011?

24 A. We had cameras back then.

25 Q. Okay. And I guess where is the photo now? I



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1 didn't realize I had any 2011 photos, so where would  
2 that photo be?

3 A. I'm guessing on timing now. Okay? It may have  
4 been '12. It may have been '11, but it's on the server  
5 at work. We can get it.

6 Q. Okay.

7 MS. WEINER:

8 I'll look into it. I don't know whether  
9 it's one we've already produced from 2012 or not, but  
10 we'll go back and try to tie it down.

11 MS. BARNEY:

12 Okay. Yeah, I guess I would request  
13 that we have all photos of the cracks on the equipment  
14 at issue.

15 MS. WEINER:

16 Yes.

17 THE WITNESS:

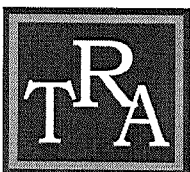
18 You're not going to hold me at bay if it  
19 was actually 2012, are you? Because I'm really -- I'm  
20 struggling to remember.

21 MS. BARNEY:

22 Right. Right. That's fine.

23 MS. WEINER:

24 We've asked them that and they've told  
25 us that we have all of the photos they have, but I'll



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1 look into this to make sure that we've got whatever this  
2 one is.

3 MS. BARNEY:

4 Okay.

5 BY MS. BARNEY:

6 Q. In this latest turnaround, do you have a -- you  
7 have a photograph of this same spot to see how it  
8 weathered, how the repair held?

9 A. I think so.

10 Q. Okay.

11 A. I do know that it was inspected.

12 Q. What was inspected?

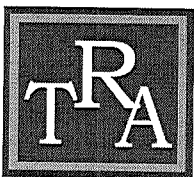
13 A. That old repair. I just don't know if we got a  
14 photograph of it.

15 Q. So in the recent turnaround, y'all made an effort  
16 to look for old repairs that hadn't held or had  
17 deteriorated or had a problem since the original repair?

18 A. Yeah, but there were so few. I mean, as a matter  
19 of fact, really the one that I mentioned is the only one  
20 I can think of.

21 Q. I thought -- well, I'm not sure you testified to  
22 this, but I thought there had been testimony that  
23 there's lots of welding and work that's been done on  
24 this equipment since December 2011?

25 A. I'm talking specifically the HIP/CIP now. There



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1 was other work that's been done on the converter, yes.

2 Q. All right. So on the HIP, you think there was  
3 only one maybe hot shutdown where a crack was repaired  
4 in the last -- since December 2011?

5 A. That's all I recall.

6 Q. All right. What about the CIP; how many repair  
7 efforts do you think there were on it since December  
8 2011 before the current shutdown -- recent shutdown?

9 A. I don't recall actually welding on the CIP.

10 Q. Okay. And the converter you mentioned had  
11 numerous --

12 A. Numerous.

13 Q. -- repairs --

14 A. Yes.

15 Q. -- since December 2011?

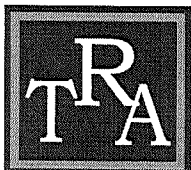
16 A. Yes.

17 Q. Okay. But despite those repair efforts, there's  
18 still been leaks from the HIP, the CIP and the converter  
19 since December 2011 that's required the use of the hose  
20 and box system; right?

21 A. Yes.

22 Q. Okay. Do you ever use an Excel spreadsheet or  
23 any other kind of tool to calculate quantities of gas  
24 leaks at DuPont Burnside?

25 A. I don't.



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1 Q. Okay. And you've never been asked to do that?

2 A. Nope.

3 Q. Have you ever been trained to do that?

4 A. Nope.

5 Q. Do you recall anyone ever coming to you and  
6 saying, "I'm doing a calculation on the quantity of a  
7 gas leak. Can you tell me the area of -- the size of a  
8 crack or a hole so that I can run that calculation"?

9 A. Yes.

10 Q. Who has asked you that?

11 A. I know that Dan asked. Monholland.

12 Q. Anybody else?

13 A. It would make sense that Kerry Long did, but I  
14 don't ever recall him doing it.

15 Q. Okay.

16 A. That don't mean he didn't, you know. Just been a  
17 while since he's been there.

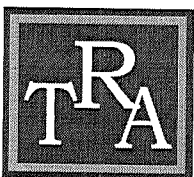
18 Q. Okay. Do you recall how many times Dan has asked  
19 you for that information?

20 A. Specifically, no. I can tell you probably two or  
21 three times.

22 Q. And he's been there I think since like April of  
23 2011; is that right?

24 A. April of 2011? I don't think so.

25 Q. How long --



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1 A. I don't think he was -- I don't think he was  
2 there in the 2011 shutdown, which was in April, I  
3 believe.

4 Q. Okay.

5 A. I'm not sure --

6 Q. Maybe he was just arriving around that time.

7 A. Maybe so. I don't know.

8 Q. So if he asked you -- about how long ago in the  
9 last how many months would you say he has asked you for  
10 the size of a hole or a crack so he could run a  
11 calculation?

12 A. About how long ago?

13 Q. Yeah. Like the first time he ever did that,  
14 about how long ago was that?

15 A. Oh, Lord. I don't know. I don't remember. I  
16 mean, I don't know. I don't.

17 Q. All right. Do you remember what you told him  
18 when he asked you that?

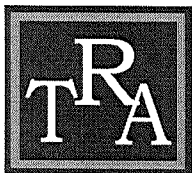
19 A. No.

20 Q. So you don't remember the size that you gave him  
21 for any particular request that he made?

22 A. No.

23 Q. Okay. How would you have the information to  
24 respond to his question?

25 A. I would have -- let me think a minute.



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1 Typically, when he would have asked me for the size, it  
2 would have been because it's questionable for some  
3 reason about the size of the release and -- it would  
4 have been a fairly large release. Okay? And we would  
5 have shut down and I would have been involved such that  
6 I would have been up on a scaffold or wherever actually  
7 looking at the leak after we shut down. In those cases,  
8 he would have asked me, "Okay. What did you see?"

9 Q. Okay. And that would be a hot shutdown; right?

10 A. Correct.

11 Q. And would insulation have been taken off of the  
12 leaking equipment during the hot shutdown?

13 A. Uh-huh.

14 Q. All of the insulation or just a focus point?

15 A. A focus point in the leak area till we find the  
16 leak.

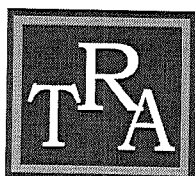
17 Q. Okay. So for the two or three that you gave  
18 information to Dan on, you don't remember what size you  
19 saw on that equipment, what size hole or crack?

20 A. (Witness shaking head.)

21 Q. No?

22 A. All I can tell you was on the converter, the  
23 cracks were as I described earlier, quarter inch to two  
24 inches.

25 Q. Okay. You told me earlier what you recalled



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1 about the HIP and the CIP.

2 A. Yeah. Yeah.

3 Q. So you wouldn't have had any other information  
4 than that to give to Dan?

5 A. No.

6 Q. Okay. Have you ever -- you may have answered  
7 this earlier -- but been involved in preparing the  
8 investigational report itself for an incident, or were  
9 you just in the group that talked about it?

10 A. I have been involved in preparing them.

11 Q. So you actually go onto the computer and plug in  
12 information?

13 A. Sure.

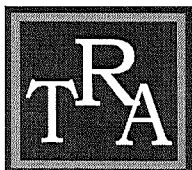
14 Q. Do you recall what instances have prompted you to  
15 be the one to do that?

16 A. As stated before, normally, it's to do with  
17 maintenance-related activities, whether it's maintenance  
18 personnel or contractor personnel performing maintenance  
19 work.

20 Q. Have you ever done it for one of these gas leaks  
21 on the equipment at issue?

22 A. I have done first reports on the gas leaks just  
23 to get them posted in front of people. I don't recall  
24 doing any of the formal reports.

25 Q. The investigational reports?



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1 A. Right.

2 Q. Okay. The first report -- well, let me strike  
3 that for now.

4 As part of the maintenance work that KBR does,  
5 they go out and adjust the hoses? When somebody sees a  
6 gas leak, they'd be the ones to do that; right?

7 A. Yes.

8 Q. But the operators at DuPont -- the operators at  
9 DuPont are not the ones that are supposed to go out and  
10 adjust the hose and box system; is that right?

11 A. That's correct.

12 Q. As far as you know, Lonnie Blanchard is very  
13 involved in that process; right?

14 A. Yes.

15 Q. And I guess Robert Cayette -- you know who he is?  
16 He's spent a lot of time on that work as well.

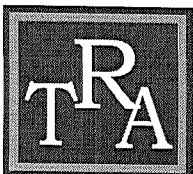
17 A. Yes.

18 Q. Do you recall the KBR guys who do that work  
19 asking for some sort of air conditioning because it was  
20 so hot up where they were working?

21 A. No.

22 Q. Okay. At some point a big, yellow tube thing was  
23 installed that sends AC up to the area where they work?

24 A. Uh-huh. It wasn't because they asked for it. It  
25 was because I insisted.



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1 Q. That was after you went up there one time and  
2 realized how hot it was?

3 A. I already knew how hot it was.

4 Q. Okay. At some point, did it become, I guess,  
5 sort of a routine schedule where KBR would tend to the  
6 hoses on Mondays and Thursdays?

7 A. Correct.

8 Q. About when did that start, if you know?

9 A. I don't remember. I really don't.

10 Q. So KBR's records, if they produce those to us,  
11 that would probably be the best --

12 A. That would be our best shot at getting that  
13 information, yes.

14 Q. Okay. Were you aware that Mr. Simoneaux and  
15 myself and another gentleman were coming out to the site  
16 to inspect the plant or look around for purposes of this  
17 lawsuit?

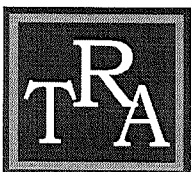
18 A. Yeah. I was there.

19 Q. Okay. So you saw us?

20 A. Yes, I did.

21 Q. Okay. If that was on a Friday, then the hoses  
22 would be maintained or whatever KBR does to them on  
23 Mondays and Thursdays, that would have happened the day  
24 before the site inspection, as far as you know?

25 A. No, I don't know that.



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1 Q. Okay. So you would just defer to the KBR record?

2 A. Yes.

3 Q. Do you know if there was any special work done  
4 before the site inspection where we came out to look at  
5 things?

6 A. No.

7 Q. Okay. So you think it was just a routine --

8 A. I don't know because it seems like the time that  
9 y'all came out, we were going into a shutdown.

10 MS. WEINER:

11 That's correct.

12 THE WITNESS:

13 So I don't know that it would have been  
14 routine. I would have to put way more thought into  
15 that.

16 BY MS. BARNEY:

17 Q. So you're not sure what they did before the site  
18 inspection with the hoses and the metal boxes?

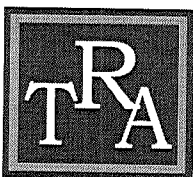
19 A. Correct.

20 Q. Okay.

21 A. Actually, I thought the plant was down when y'all  
22 came.

23 Q. I think there were two different inspections, so  
24 yeah.

25 A. Okay.



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1 MS. WEINER:

2 The plant was in the process of shutting  
3 down when we came on September 27th.

4 MS. BARNEY:

5 On the first one.

6 THE WITNESS:

7 Okay.

8 MS. WEINER:

9 And then we came again the next week,  
10 the following week, the beginning of October, and it was  
11 shut down by that point.

12 BY MS. BARNEY:

13 Q. Do you recall when y'all went into the shutdown  
14 that you did it sort of abruptly?

15 A. Yes.

16 Q. Okay.

17 A. Due to the sulfur pit.

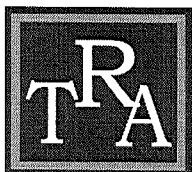
18 Q. Okay.

19 MS. BARNEY:

20 I think we requested the record,  
21 Monique, on that sulfur issue. I don't know if we ever  
22 got them, but that seems to be an important point to  
23 some, so I guess I would follow up on that request.

24 MS. WEINER:

25 Yeah, I can't remember what our response



1 was on that, whether we objected or not, but I think  
2 we've already covered it in discovery.

3 MS. BARNEY:

4 Yeah. And I guess it keeps coming up as  
5 a topic, so we do think it's relevant and would request  
6 it. I don't know if you said we'll supplement or what.  
7 I don't think it was on the motion to compel list. I  
8 don't think you said you wouldn't do it, but we can  
9 revisit it.

10 MS. WEINER:

11 Okay.

12 BY MS. BARNEY:

13 Q. Do you ever use camera 13? I don't know if  
14 you're familiar -- do you know what camera 13 is?

15 A. Uh-huh. Yes, I do.

16 Q. Do you ever go to the control room and use the  
17 video on camera 13 in performing your work at DuPont?

18 A. Yes, I do.

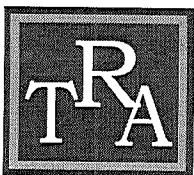
19 Q. Okay. On what occasions would you do that?

20 A. I would use it to -- on numerous occasions. If I  
21 want to look at something across the plant without  
22 walking a half a mile, I'll use the camera.

23 Q. Okay. Have you observed gas leaks on camera 13?

24 A. Sure. Yes, I have.

25 Q. Is that something you could have done as far back



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1 as like December 2011?

2 A. Could have, yeah.

3 Q. Okay. Do you --

4 A. My point is that's the best way to observe them  
5 in some circumstances. When you have a leak way up high  
6 and you have no access to it, your best way to observe  
7 it is from above, so that's why you use the camera.

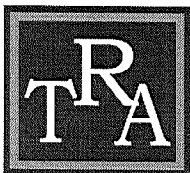
8 Q. All right. So if you saw a leak on the camera or  
9 otherwise, in person or on the camera, what do you do  
10 when you see a gas leak at Burnside?

11 A. Typically, we assess the size of the gas leak by  
12 visual inspection. We gain access to it through  
13 whatever means is required, whether it's scaffolding or  
14 manlift, whatever it may be. We assess the situation,  
15 determine whether or not we need to put a hose on it --  
16 or, actually, we just put a hose on it to start with and  
17 then determine whether or not we need to shut down to  
18 fix it.

19 Q. All right. And you're not the person who would  
20 decide whether to cut back the rates on the plant or  
21 anything like that. Would that be operations, or would  
22 it be you?

23 A. I could make the recommendation.

24 Q. And then the operators would either -- would  
25 check with Elizabeth Cromwell?



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1 A. Correct.

2 Q. Do you recall making that recommendation on any  
3 occasion?

4 A. I can't pinpoint it, but I know I have, yes.

5 Q. Okay. Do you remember who you told?

6 A. I would have told Elizabeth and -- I mean, it's a  
7 small group of people there. I probably told everybody.

8 Q. Whoever was working at the time?

9 A. Elizabeth, Tom, Dan, Percy, you know.

10 Q. Would you ever go straight to the shift  
11 operators, or would you try to find a manager?

12 A. No. Typically, I would go through operations  
13 management somehow, you know.

14 Q. Okay. If the operators see a visible leak at  
15 night, can they directly call KBR to come in and work,  
16 do something, or would that request need to go to  
17 Elizabeth and then from Elizabeth to you to call KBR?

18 A. They can call directly.

19 Q. The operators could make a direct call to KBR?

20 A. Uh-huh.

21 Q. As far as you're concerned, they could do that,  
22 whether or not Elizabeth said a different rule?

23 A. I know that they do that.

24 Q. Okay. Okay.

25 A. So I don't think there's any rule against it.



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1 Q. Okay. Is it your understanding that if they can  
2 get KBR to come the next day, that that's the protocol  
3 so that KBR isn't brought out on overtime?

4 A. No.

5 Q. So if that's Lonnie Blanchard's understanding,  
6 it's just different from your understanding?

7 A. Yeah, and that's okay.

8 Q. All right.

9 A. I mean, the operator has to make a conscious  
10 decision as to criticality. They have that  
11 responsibility, and if they see it needs to be responded  
12 to, then so be it, we respond.

13 Q. Okay. And so --

14 A. They have the ultimate -- the authority to make  
15 that call.

16 Q. And then the people above them are supposed to  
17 listen to them and act in response to their alert; is  
18 that what you're saying?

19 A. The people above the operators?

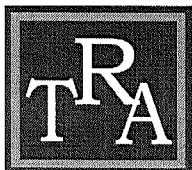
20 Q. Operators.

21 A. Sure.

22 Q. Okay. Do you recall there being some time after  
23 Tom Miller was the plant manager where you --

24 A. Go ahead.

25 Q. Sure.



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1           -- where Tom Miller kind of alerted everybody  
2     that he wanted them to use this thing called a first  
3     report or what's really called, I think, an initial  
4     incident report?

5           A. I think that Tom initiated that. I don't recall  
6     the timing of it, but I know that he was the one that  
7     initiated that at the plant.

8           Q. Okay. Do you attend any meetings where Tom  
9     Miller puts on a projector the investigational reports  
10    for -- on a weekly basis?

11          A. No.

12          Q. Or incident reports maybe, any kind of weekly  
13    meeting where he puts on a projector, a spreadsheet of  
14    reports for the week?

15          A. No. No, he doesn't do that on a weekly basis  
16    that I remember.

17          Q. Have you ever been involved in that type of  
18    meeting?

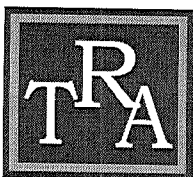
19          A. Yeah.

20          Q. So you think those meetings happen, but you don't  
21    thing they happen weekly?

22          A. That is correct.

23          Q. How often do you think they happen?

24          A. He's my boss. I'm supposed to know that, but I  
25    don't know. Once every six weeks.



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1 Q. So sometimes --

2 A. Once a month, maybe. I don't know.

3 Q. So sometimes that spreadsheet contains gas leak  
4 information?

5 A. The spreadsheet that I recall reviewing, it's  
6 just titles of first reports and, yeah, it will say gas  
7 leak converter or first pass exit or something like  
8 that.

9 Q. Okay. And why are those put up on a spreadsheet  
10 and discussed at a meeting? Like what's the point of  
11 y'all's discussion?

12 A. Well, first of all, it's not just looking at gas  
13 leaks. It's all incidents that occur on site. Okay?

14 Q. Okay.

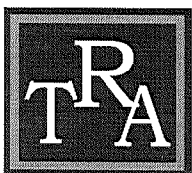
15 A. So we put the incidents up there to, No. 1, look  
16 for trends; No. 2, one of the columns on that  
17 spreadsheet says to MITC or not. So, in other words,  
18 formal investigation required or not.

19 Q. Okay.

20 A. And then --

21 Q. So that decision is sort of being made at this  
22 meeting?

23 A. Normally, it's pretty obvious and the decision is  
24 made even before the meeting, but there are times  
25 when -- you know, maybe we should investigate that one



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1 because we could probably learn something from it. That  
2 happens quite often, actually. So the decision's not  
3 always made in the meeting, but at times it is.

4 Q. Okay. So not every incident report about a gas  
5 leak turns into an investigational report that gets put  
6 on MITC?

7 A. Correct.

8 Q. And then the final call on whether that happens  
9 is the plant manager?

10 A. Yeah. I think so, yeah.

11 Q. Okay. Do you know where those spreadsheets are  
12 kept?

13 A. I think it's on Tom's hard drive because it's  
14 part of his metrics that he keeps and reports on -- or I  
15 say reports. Shares with us on a monthly basis.

16 Q. Okay. Does he e-mail it around, or do you access  
17 it on the computer directly?

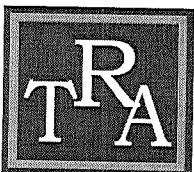
18 A. I don't remember if it's accessible. It used to  
19 be, but I'm not sure if it is now.

20 Q. Do you recall getting e-mails with the  
21 spreadsheet attached?

22 A. No. You're talking about the spreadsheet with  
23 the list of first reports?

24 Q. Yeah.

25 A. No. There would be no reason for him to mail



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1 that out.

2 Q. How do you see that spreadsheet?

3 A. In staff meetings. We have staff meetings weekly  
4 and then the staff meetings are -- have different focus  
5 topics each week. And when it comes to safety, health  
6 and environment, that spreadsheet is part of that focus  
7 topic.

8 Q. Okay.

9 A. So we do that --

10 Q. So you just see it when it goes up on that  
11 projector, when it gets up there?

12 A. Right. Now, everybody sees the first reports  
13 when they go out. Shared --

14 Q. The individual reports?

15 A. Right. They're shared with everybody on site.

16 Q. Okay. You may have said this before, but you  
17 have prepared initial incident reports with regard to  
18 gas leaks?

19 A. Uh-huh.

20 Q. At Burnside?

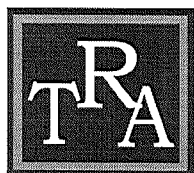
21 A. Yes, I have.

22 Q. Do you know about how many?

23 A. No. It would be on that list, though.

24 Q. Okay.

25 A. I really don't know. I mean...



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1 Q. When you see this list, how far back does the  
2 list go? Just six weeks or does it go --

3 A. Oh, no. I'm sure since we started the first  
4 report process.

5 Q. So it's sort of a running list of the incident  
6 reports?

7 A. Yes.

8 MS. BARNEY:

9 I think we already requested that, but I  
10 think that's when Lori was here. So when you see on our  
11 list spreadsheets that's from the meetings, that's what  
12 we're talking about.

13 MS. WEINER:

14 Okay. I'll refer to her.

15 BY MS. BARNEY:

16 Q. What would prompt you to be the one to do an  
17 incident report on a gas leak?

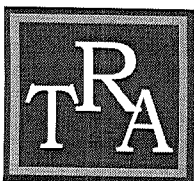
18 A. A first report?

19 Q. Yes. Yes. I'm sorry. An initial incident  
20 report referred to, I understand, as a first report.

21 A. Yes.

22 Q. Okay.

23 A. If nobody else did it and I see it needs to be  
24 done, I will do it. Perhaps if I was the first one to  
25 notice a gas leak, then it would be my responsibility to



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1 go initiate the first report.

2 Q. Okay.

3 A. That's really nothing magic about it. It's just  
4 make sure it gets done, you know.

5 Q. Okay. Do you recall getting calls after hours  
6 from operators or from Elizabeth regarding gas leaks at  
7 night? Does that happen from time to time?

8 A. It has happened in the past, yes.

9 Q. Okay.

10 A. As opposed to getting calls in the day? I mean,  
11 what --

12 Q. Yes.

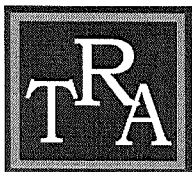
13 A. Yeah, I get them at night and at day.

14 Q. Okay. Let me show you a document. It's actually  
15 a group of documents. I'll just say for the record,  
16 Exhibit H is on the first page at the bottom, Exhibit G  
17 on the second page, DSF 66 is the third page, DSF 67 is  
18 the fourth page, Exhibit I is the fifth page, then DSF 5  
19 through 9 are the remaining pages.

20 I'll ask you to take look at those for me. I  
21 don't have a separate copy, so I'll have to share with  
22 you, if that's okay.

23 The first page is a handwritten incident report  
24 prepared by Jeff Simoneaux; is that right?

25 A. That is correct.



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1 Q. Do you remember ever seeing this before?

2 A. No, I don't remember seeing the report.

3 Q. Okay.

4 A. I remember when this happened.

5 Q. Tell me about what you remember.

6 A. The actual incident that triggered this report  
7 was the fact that he got the truck stuck in the mud. He  
8 added to the report about the SO3 crossing the fence and  
9 all of that stuff. Why? Because it's non pertinent to  
10 this incident. This incident was Jeff took the truck  
11 and got it stuck in the mud on the other side of the  
12 plant.

13 Q. So that was the focus in your mind --

14 A. Uh-huh.

15 Q. -- of that incident report?

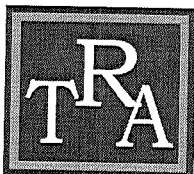
16 A. Correct. Yep.

17 Q. Okay. Other than this mention of the truck stuck  
18 in the mud, have you ever known a truck to be stuck in  
19 the mud at the DuPont Burnside plant?

20 A. Not that I can recall. Not since I've been  
21 there. I mean, I don't know that. Not saying there  
22 hadn't been, just not that I recall.

23 Q. All right. And do you know why that would be the  
24 subject of an incident report?

25 A. Because it's an unusual occurrence.



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1 Q. Okay. So any unusual occurrence needs to give  
2 rise to an incident report?

3 A. Should at least initiate a first report.

4 Q. Okay. Do you know whether you prepared the  
5 document that's Bates numbered DSF 66 in that group of  
6 documents?

7 A. It appears that I did.

8 Q. Do you have any recollection of that report?

9 A. Hang on a minute. Let me read it.

10 I really don't.

11 Q. Okay. Do you know whether it was Jeff Simoneaux  
12 who called maintenance on March 18th, 2012?

13 A. I don't.

14 Q. You just don't remember who called?

15 A. I don't remember, no.

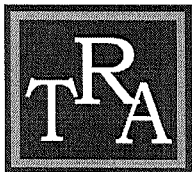
16 Q. Can you explain why the document that's Bates  
17 numbered 66 says it was reported that gas was not  
18 traveling past the fence line, but the document that has  
19 Exhibit H at the bottom says SO3 leak crossing the fence  
20 line?

21 A. No.

22 Q. Okay. Do you have access to the nightshift log  
23 on the computer in Lotus Notes?

24 A. Yes. Yes.

25 Q. Okay. Do you look at that on a regular basis?



1 A. Typically, nowadays, no.

2 Q. Okay. Back at this time in March 2012, was that  
3 something you used?

4 A. I didn't look at the -- I looked at the nightly  
5 entries at times, but I think they have a page in there  
6 where they can actually do logs. I didn't look at that  
7 typically.

8 Q. Okay.

9 A. Just because it's normally an operations  
10 database.

11 Q. All right. So I guess you got the information --  
12 I think it's self-evident from the document, but I just  
13 want to confirm. It looks like you got whatever  
14 information went into this report you prepared, Page 66,  
15 from the operators that were there.

16 A. Apparently.

17 Q. Okay. Do you know why -- you don't know why you  
18 created the incident report that's Bates number 66?

19 A. No. I don't remember.

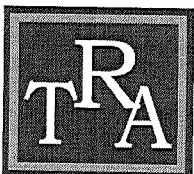
20 Q. Okay. Have you ever been asked by anybody to  
21 create an incident report?

22 A. Yeah.

23 Q. Okay. Tell me who has requested that.

24 A. Tom.

25 Q. Okay. On about how many occasions would you say?



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1       A. I don't recall how many. I mean, that's not an  
2 unusual thing. If we have an unusual occurrence, it's  
3 "Hey, make sure a first report gets done," or whatever.

4       Q. Okay. So he may have directed you to prepare  
5 this one that's Bates 66?

6       A. I don't know. I don't know.

7       Q. Okay. And I can't remember what you said earlier  
8 about your participation in investigational reports that  
9 have to do with gas leaks. Did you say that you had  
10 been involved in those or no?

11      A. Yeah, I've been involved.

12      Q. Okay. If you would look at the documents at the  
13 back of this exhibit, they start with Bates page DSF 5  
14 and they go through 9.

15      A. Uh-huh.

16      Q. Do you know whether you had any involvement in  
17 preparing that investigational report?

18      A. Yeah. Apparently, I did.

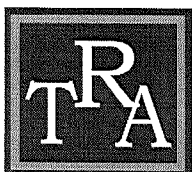
19      Q. Are you on the author edit track list or whatever  
20 that last page is?

21      A. Yeah. I don't even remember -- status edit  
22 tracking, Tom for Kerry and me.

23      Q. And you're looking at Bates Page 9 at the bottom?

24      A. That is correct.

25      Q. So because your name's on there, you're assuming



1 you had some involvement?

2 A. Yeah. I mean, that's well over a year ago, so  
3 I'm just making an assumption and then when I look at  
4 the fact that the brief description and all is almost a  
5 cut and paste from my first report --

6 Q. Okay.

7 A. -- I can't deny involvement in some way, shape or  
8 form. I just don't remember what.

9 Q. Okay. Do you know why the investigational report  
10 that is Bates labeled 5 through 9 does not mention  
11 sulfur trioxide, but the incident reports do?

12 A. I don't know why.

13 Q. You weren't involved in which chemical got put in  
14 the investigational report?

15 A. No.

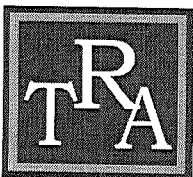
16 Q. Do you remember any discussions about that?

17 A. No.

18 Q. Do you remember reviewing the investigational  
19 report where it said sulfur dioxide instead of sulfur  
20 trioxide?

21 A. No. I don't remember reviewing this at all, in  
22 fact. Doesn't mean it didn't happen. I just don't  
23 remember.

24 Q. Okay. You weren't the one who decided to put  
25 sulfur dioxide instead of sulfur trioxide, as far as you



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1 know?

2 A. Not that I recall.

3 Q. If the incident report had SO3 on it, you  
4 probably would have put SO3 in the incident report if  
5 that section was completed by you; right?

6 A. I don't think so, and my incident report did have  
7 SO3.

8 Q. Okay. All right.

9 A. You're testing my memory.

10 MS. BARNEY:

11 All right. We'll go ahead and mark this  
12 as Exhibit 2, the documents starting with Exhibit H and  
13 ending with DSF 9.

14 (Whereupon, Exhibit No. 2 was marked for  
15 identification.)

16 THE WITNESS:

17 Five minutes?

18 MS. BARNEY:

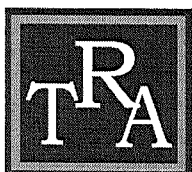
19 Sure.

20 (A recess was taken.)

21 BY MS. BARNEY:

22 Q. Mr. Clemons, there's some references on Exhibit  
23 2 -- you're welcome to look at it if you need to --  
24 whether the leak is traveling off site or not.

25 A. Uh-huh.



1 Q. Can you tell me why that might be significant  
2 information in the initial incident report?

3 A. As it pertains to this incident report, as I  
4 recall, no. I don't see how it's significant.

5 Q. Okay. Do you know why that might be something  
6 you would address in an incident report? Is that in  
7 keeping with some DuPont standards or a form DuPont  
8 uses, or what would prompt your mention of that in an  
9 incident report?

10 A. Of not going off site?

11 Q. Right.

12 A. Because kind of the premise has always been or  
13 the direction to the operators has always been as long  
14 as it's contained within the fence, we do everything we  
15 can to pull it back into the process, slow the process  
16 down, put vacuum hoses and that kind of stuff. Anytime  
17 it's going outside the parameter of the fence line, they  
18 should shut down.

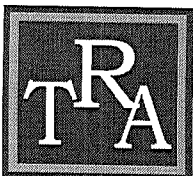
19 Q. All right. Do you remember having discussions  
20 with Kerry Long about this --

21 A. I don't remember.

22 Q. -- incident?

23 A. No.

24 Q. Do you normally have any discussions with Kerry  
25 Long when he was the environmental coordinator and when



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1 there was a noticeable gas leak? Do you ever remember  
2 conversations with him about that?

3 A. Not specifically. I mean, I remember telling him  
4 at times, "Hey, you are aware that we're dealing with a  
5 gas leak out here? You need to go put your eyes on it,"  
6 you know, just kind of to that extent, but nothing  
7 specific that I remember.

8 Q. Okay. Did you have any particular or do you have  
9 any particular environmental responsibility at DuPont  
10 other than any the responsibility any DuPont employee  
11 would have?

12 A. No.

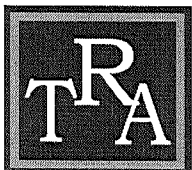
13 Q. Okay. Have you been privy to discussions or  
14 e-mails about operators putting leaks in writing and the  
15 concerns that there might be with regard to that?

16 A. No. I mean, my, I guess, involvement or  
17 overhearing or whatever discussions is they should put  
18 it in writing. They should put a first report out if  
19 they've got something they've got concerns with.

20 Q. Okay. Have you heard that management  
21 discourages -- maybe Mr. Miller in particular,  
22 discourages other forms of written communication about  
23 gas leaks, like e-mails?

24 A. No.

25 Q. Okay. Do you have any information about a



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1 February 1, 2012 incident where Mr. Simoneaux called  
2 Elizabeth Cromwell about a gas leak. She suggested that  
3 he cut back the rates or in the conversation it was  
4 agreed that Jeff should cut back the rates at the plant,  
5 but then Tom Miller arrived at the site and the rates  
6 were not cut back at the plant? Are you familiar with  
7 that event?

8 A. I vaguely remember. That was at night?

9 Q. Yes.

10 A. Yes. I vaguely remember that occurrence.

11 Q. Some hubbub?

12 A. Yeah. Yeah. That's about -- yeah, that's the  
13 way I took it.

14 Q. Do you have any information or personal  
15 involvement with that?

16 A. No, none.

17 Q. Were you at Mike Anderson's with Tom Miller and  
18 Elizabeth Cromwell when Jeff sent an e-mail about a gas  
19 leak that night?

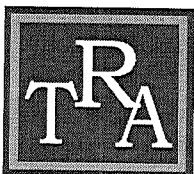
20 A. No.

21 Q. You don't think you were?

22 A. I don't believe I was.

23 Q. How can you remember that for sure?

24 A. Typically, I would remember if I was at Mike  
25 Anderson's.



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1 Q. Okay.

2 A. And I don't.

3 Q. You don't ever recall going there with Tom Miller  
4 and Elizabeth Cromwell?

5 A. I don't, no.

6 Q. That makes it easy.

7 A. Yeah.

8 Q. All right. Do you recall at some point getting  
9 an e-mail or other memo regarding evidence that might be  
10 relevant to this case that we're here about and being  
11 told to kind of preserve evidence that could be relevant  
12 to the leak case, for lack of a better description?

13 A. You mean like a hold order?

14 MS. WEINER:

15 What she's asking is did you receive a  
16 hold order in this case.

17 THE WITNESS:

18 Yeah.

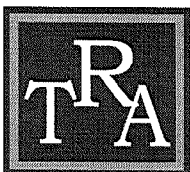
19 BY MS. BARNEY:

20 Q. You do recall getting that?

21 A. Yeah.

22 Q. And that would have been a while back, like maybe  
23 last fall?

24 A. I don't remember the date. We get quite a few of  
25 them at DuPont.



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1 Q. Okay. I believe we have learned that the spent  
2 hose, you know, the used up black, plastic hose, has not  
3 been kept since that hold order went out or since the  
4 lawsuit was filed, and so I guess I'm inquiring with you  
5 because I think the hoses kind of fall under your  
6 department.

7 A. Uh-huh.

8 Q. And so I wanted to ask whether -- I wanted to  
9 confirm that that was not done, that the spent hoses  
10 were not saved.

11 A. That's correct. Since the hold order came out?

12 Q. Right.

13 A. There's no doubt. I didn't even connect the dots  
14 there.

15 MS. WEINER:

16 And I'll state for purposes of the  
17 record, the black hoses that came down in connection  
18 with this shutdown have been preserved, though.

19 THE WITNESS:

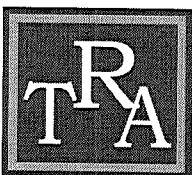
20 That's correct.

21 MS. WEINER:

22 Those are still on site at the plant.

23 THE WITNESS:

24 That's correct, yeah. I can't -- for  
25 some reason, I don't connect the hold order that we get



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1 to holding materials in the field. It's always been  
2 records, at least that's the way I interpreted it. So  
3 if I screwed up, I did, but that's the way I am.

4 MS. BARNEY:

5 That's fair, and I appreciate you saying  
6 your understanding.

7 BY MS. BARNEY:

8 Q. Did you ever get an actual copy of the lawsuit  
9 itself?

10 A. No, not that I remember.

11 Q. Okay. Would it have been difficult for you to  
12 house the spent hoses for purposes of this lawsuit?

13 A. It wouldn't have been easy, but it would have  
14 been doable. We would have had to figure out a way and  
15 a place to store them, you know.

16 Q. Okay.

17 A. It would have been a cost associated with it,  
18 obviously.

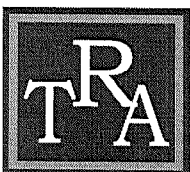
19 Q. What would the cost be?

20 A. Well, the cost to store. I mean, you would have  
21 to put them somewhere.

22 Q. What kind of containers?

23 A. Cost to clean them up and all of that.

24 We'd probably have to put them in some kind of  
25 closed-top container. I'm just kind of thinking out



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1 loud now because, you know, you can clean them as best  
2 you can, but since they're corrugated, you would have  
3 residual materials in them, so you just couldn't lay  
4 them out there and let it rain on them, then you end up  
5 with a mess. You'd probably have to rent some kind of  
6 closed-top containers and keep them.

7 Q. Do you have records of the quantity of hose that  
8 y'all have used in this system?

9 A. No.

10 Q. Would the, I guess, financial data be a way to  
11 tell how much hose there was used?

12 A. I think if we wanted to get to those records, we  
13 could figure out how much we've purchased, you know.

14 Q. Okay.

15 A. I mean, it's purchased by foot so -- and we  
16 typically purchase from the same vendor, as far as I  
17 know.

18 Q. Okay. Who's the vendor, as far as you know?

19 A. Probably Hagemeyer.

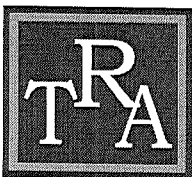
20 Q. Okay. And they've produced some information.

21 A. Have they?

22 Q. I don't think they kept it very far back.

23 So DuPont's financials might reflect quantity?

24 A. Yeah. You could probably go to SAP and -- I  
25 couldn't do it, but somebody could, I'm sure.



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1 Q. What's SAP? The accounts payable or...

2 A. How do you describe SAP? My goodness. The whole  
3 business is ran with SAP from material purchases to raw  
4 materials for operations to selling of the product.  
5 It's just the computer software that all big  
6 corporations use these days. So the purchases are done  
7 through SAP.

8 Q. Okay. Have you in your job as the maintenance  
9 supervisor or manager had to incorporate the cost of the  
10 vacuum hose system into any kind of reports or  
11 decision-making trees or anything like that?

12 A. No.

13 Q. Has it not been a big ticket item in terms of  
14 your running of your department?

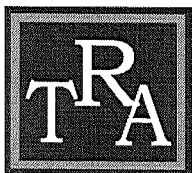
15 A. The budget?

16 Q. Right.

17 A. Yeah, it's -- I'm sure it has, but kind of the  
18 way I manage the budget is on a month-to-month basis, so  
19 it kind of runs on an average monthly. And if I see  
20 something spike for some reason, then I go back and "Oh,  
21 what's going on here?"

22 Q. Okay.

23 A. So nothing has really triggered me to look  
24 specifically at the gas hoses. I mean, I knew that we  
25 were spending a considerable amount of money on them,



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1 but...

2 Q. Okay. Can you think about, as you sit here, how  
3 the different spikes have gone? Like one month when  
4 that expense spikes, can you think about how high it's  
5 gone, what dollar amount you're talking about?

6 A. No. I really -- I really can't think of any.  
7 You've got to consider the fact that, you know, most  
8 obviously the work's typically been done by the KBR  
9 employees, you know, the Lonnie's and those people.  
10 Those people are there whether they're fixing gas hoses  
11 or not so I see their cost all of the time. So, you  
12 know, the fact that they're over here working on a gas  
13 hose doesn't increase my cost.

14 Q. Unless it's overtime?

15 A. Unless it's overtime, that's correct.

16 Q. Okay.

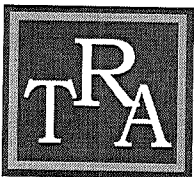
17 A. So the only true delta between my average,  
18 typical monthly costs and -- that are associated with  
19 the gas leaks would be the material, you know, so...

20 Q. So that's where the spike might come is on the  
21 material cost?

22 A. Yeah. But it's such a large budget and the hoses  
23 are such a small part, it's almost invisible.

24 Q. Okay.

25 A. I'd love to have that much money in my pocket,



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1     you know, but --

2         Q.   In the big picture --

3         A.   But in the scheme of things, it's not that big.

4         Q.   Okay.

5                 MS. BARNEY:

6                         Monique, I think those are on our list,  
7     but they're not...

8                 MS. WEINER:

9                         You see how she does; right? Every time  
10    you say something, she's like, "And I want that, too."

11                 MS. BARNEY:

12                         Actually, we've already talked about  
13    that, so don't think you're triggering me.

14                 MS. WEINER:

15                         What's this latest thing that you want?

16                 MS. BARNEY:

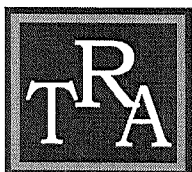
17                         Actually, this is already in our motion,  
18    I think --

19                 MS. WEINER:

20                         Then I haven't looked at it since you  
21    filed it at 11:30 last night. I haven't read it.

22                 MS. BARNEY:

23                         Okay. We've already talked about it.  
24    We can talk about it again or we can talk about it now,  
25    whatever you want to do --



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1 MS. WEINER:

2 If it's in your motion to compel, we've  
3 already discussed it. We don't need to discuss it here.

4 MS. BARNEY:

5 I know. Okay. That's fine. Up to you.  
6 I'm just giving you every opportunity.

7 BY MS. BARNEY:

8 Q. Mr. Clemons, as part of your work at DuPont, do  
9 you ever go read the logbooks that operators keep in the  
10 control room?

11 A. Yes, I do.

12 Q. Okay. And why would you read those?

13 A. To see what issues arose previous shifts and over  
14 weekends or whatever it may be so that I can make sure  
15 they get addressed from a maintenance standpoint.

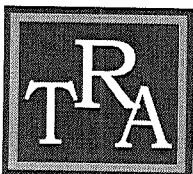
16 Q. All right. Do you recall any issues where you  
17 didn't believe something that was written in the logbook  
18 or you had a concern about the truth of something  
19 written in the logbook, or is that considered sort of an  
20 official communication at DuPont that you rely on?

21 A. Where I didn't believe something in the logbook?

22 Q. Or you questioned it or thought "Did that really  
23 happen?"

24 A. Oh, I question things all of the time.

25 Q. Okay.



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1       A. Yeah. I mean, if for no other reason but  
2 understanding, you know.

3       Q. Okay. There's never been a time --

4       A. Can I put my finger on one? No.

5       Q. There's never been a time where you thought  
6 somebody was untruthful or made something up that was in  
7 the logbook that you can recall?

8       A. No.

9       Q. Okay. In preparing for your deposition today,  
10 have you reviewed any audio or video recordings?

11      A. No.

12               MS. WEINER:

13                   I did have him look at the October 27th  
14 film.

15               THE WITNESS:

16                   Oh, yeah. Here.

17               MS. WEINER:

18                   Yeah, here.

19               THE WITNESS:

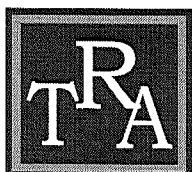
20                   Yeah.

21               MS. BARNEY:

22                   Okay.

23               MS. WEINER:

24                   Your answer was back at the plant, have  
25 you looked at anything?



1 THE WITNESS:

2 That's correct. Yeah, I thought that's  
3 where we were, but here I looked at the video.

4 BY MS. BARNEY:

5 Q. Do you know the difference between or can you  
6 tell the difference between an SO3 leak and steam?

7 A. Yeah, I guess under the right circumstance you  
8 could.

9 Q. Okay. Are you just as good at that as operators  
10 are or do you feel like you would defer to the operators  
11 or tell me about your level of experience of telling the  
12 difference between SO3 and steam?

13 A. I'm no expert. I don't know if that exists.

14 Would I defer to the operators? I guess if I saw  
15 something that was questionable, I would defer to some  
16 of the operators that are more experienced.

17 Q. Okay. Like Percy Bell, you think he could tell  
18 the difference between SO3 and steam?

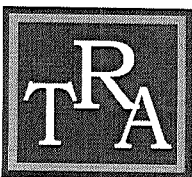
19 A. Yes.

20 Q. Would you think Mr. Simoneaux could tell the  
21 difference between SO3 and steam?

22 A. I don't know. I don't know.

23 Q. Okay. He was one of the more experienced,  
24 though; right? I mean, he was there 22 years.

25 A. He was there 22 years, yeah.



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1 Q. Okay. Can you articulate, if you know, how steam  
2 behaves in the air versus how SO3 behaves when it hits  
3 the air? Can you think of any difference?

4 A. Steam typically rises and dissipates, but it is  
5 very much affected by temperature, humidity and that  
6 kind of stuff. I don't know that either of them act the  
7 same way all of the time because there's other  
8 environmental factors that affect them.

9 Q. Okay. But under the same circumstances, steam  
10 would tend to dissipate more quickly than SO3?

11 A. That depends on the amount of steam.

12 Q. Okay.

13 A. It really does. I mean...

14 I don't think I could answer that definitively.

15 Q. Okay. When you looked at the video from the  
16 October 27, 2013 date --

17 A. Uh-huh.

18 Q. -- did you think you saw any SO3?

19 A. Yes.

20 Q. Okay. And did you also think you saw steam?

21 A. Yes.

22 Q. And did you make any effort to try to parse the  
23 two out?

24 A. I did make effort, yeah.

25 Q. Okay. How could you tell that you saw some SO3?



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1 A. It just appears to be SO3. I mean, I don't know  
2 how to explain it even.

3 Q. Okay.

4 A. Or at least some of it does. And then at  
5 different angles, then I'll start questioning, well, is  
6 it SO3 or is it steam. I mean, I can explain that to  
7 you looking at the video. It's just difficult, but  
8 there's no doubt in my mind some of that was SO3.

9 Q. And you weren't there that night?

10 A. That's correct.

11 Q. Did you get a call that night?

12 A. I did.

13 Q. Who called?

14 A. You Dan Monholland.

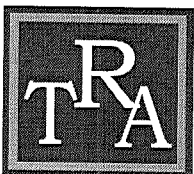
15 Q. And what did he say?

16 A. Told me that we had a leak on the drain piping  
17 exit, the HIP, and that it was a pretty significant leak  
18 and he was shutting down. This was right after startup,  
19 from what I recall, so he shut down.

20 Q. Do you remember anything else that he told you?

21 A. Yeah. Mark was out there and he said that -- I  
22 can't remember whether I talked to Mark or not.

23 Anyway, where it ended up was Mark and company  
24 came up with temporary clamp to put on this thing to  
25 stop the leak and they put this temporary clamp on and



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1 they started the plant back up and it was still leaking  
2 so they shut right back down again and came up with a  
3 revised or better temporary clamp and put it on and  
4 started back up and there was no leak. They had it  
5 contained.

6 Q. And this is what Dan told you?

7 A. Well, no. It's just what I know. What Dan told  
8 me what we've got a leak and Mark's going to come up  
9 with a plan.

10 Q. So at some point, Mark told you --

11 A. Yes.

12 Q. -- what you just discussed?

13 A. I'm almost sure that Mark and I talked on the  
14 phone. I'm just not positive of that. I'm almost  
15 positive.

16 Q. But either Mark or Dan told you the information  
17 you just relayed to me?

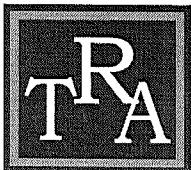
18 A. Yeah.

19 Q. Okay. Anything else that they told you that  
20 night that you recall?

21 A. Not that I recall.

22 Q. Is there someplace in your records or DuPont's  
23 records where you could tell when the plant went into a  
24 hot shutdown?

25 A. Uh-huh.



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1 Q. Where would that be?

2 A. On the DCS.

3 Q. Okay. That would tell you for how many hours  
4 and --

5 A. Sure. Absolutely. To the second.

6 Q. Okay.

7 MS. BARNEY:

8 I'm not going to say it again, but  
9 that's on my list.

10 THE WITNESS:

11 I can't believe y'all don't already have  
12 that.

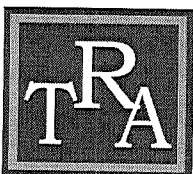
13 BY MS. BARNEY:

14 Q. Have there been times where you recommended that  
15 they needed to take a hot shutdown, and for whatever  
16 reason, it had to get postponed, like maybe the weather  
17 was bad or maybe there were a bunch of customer orders  
18 that they were trying to fill or some customer concerns  
19 came up?

20 A. That's kind of a two-part question.

21 Q. Yeah. It's a lot of questions.

22 Basically, my question is, have there been times  
23 where you wanted to take a hot shutdown or a cold  
24 shutdown, but I think it's probably a hot shutdown; and  
25 for some reason, that couldn't happen?



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1 A. Yes. Or it didn't happen, yes.

2 Q. About how many times do you recall that being the  
3 case?

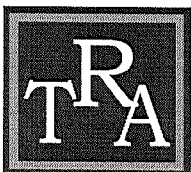
4 A. I don't know. I don't know how many times, but  
5 we only did that when we had the leaks under control.  
6 We would -- when I say there have been times that we  
7 have postponed a hot shutdown, the times that I recall  
8 are associated with we had a hot shutdown scheduled for  
9 some certain day, and typically, it's been related to  
10 the weather. You don't want to take a hot shutdown  
11 during a storm for two reasons: One is the plant cools  
12 off quicker. Two is you don't get any work done because  
13 everybody's going to be running in under the shelter.  
14 So, typically, that's what it has been.

15 Q. There have been occasions, though, where it was  
16 customer demand that affected the timing of the  
17 shutdown?

18 A. Not that I recall, no. And the reason for that  
19 is, we have storage tanks that will -- we can load out  
20 of for, I don't know, two or three days if we needed to,  
21 really.

22 Q. Okay. Do you recall times where you wanted to  
23 take a shutdown for longer than the operations schedule  
24 or the plant manager could accommodate?

25 A. No, not that I recall. First of all, I never



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1 want to take a shutdown.

2 Q. And why is that?

3 A. Because that's work.

4 Q. Okay.

5 A. I can honestly say that I don't recall a time --  
6 and I know that this is all about gas leaks. Okay? I  
7 don't recall a time that I've requested a shutdown for a  
8 gas leak that I didn't get. Now, it may be that we  
9 schedule it and we move it a day or two one way or the  
10 other, but we do it.

11 Q. All right. Let me just show you a group of  
12 documents that are Bates labeled 880 through 894. I  
13 guess we'll mark these as Exhibit 3.

14 (Whereupon, Exhibit No. 3 was marked for  
15 identification.)

16 MS. BARNEY:

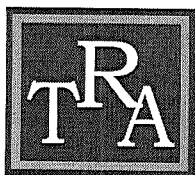
17 If we find where we need to break those  
18 up, we can, Monique. They're just sort of stapled that  
19 way right now.

20 BY MS. BARNEY:

21 Q. The one on top is an e-mail from you to Tom  
22 Miller --

23 A. Uh-huh.

24 Q. -- saying, "We have tentative plans to shut down  
25 on Wednesday of next week, 2/15," and this is February



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1 2012; correct?

2 A. Yeah.

3 Q. "We will be down for about 12 hours. Date is  
4 tentative because we will not go down if there is a  
5 chance of rain."

6 A. Uh-huh.

7 Q. Then the next page -- well, Bates number 882 is  
8 an e-mail from Meta Smith to Tom Miller with a CC to you  
9 and Elizabeth Cromwell and George Valentine saying that  
10 "Burnside is planning a shutdown for HIP/CIP gas leak  
11 repairs not to exceed eight to ten hours." Do you see  
12 that?

13 A. Uh-huh.

14 Q. So on Page 880, you apparently thought you needed  
15 12 hours, but on Page 882, you only got eight to ten.

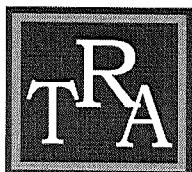
16 A. That doesn't mean anything to me.

17 Q. You don't recall why that happened?

18 A. No. If it happened today, it wouldn't mean a  
19 thing to me. Her saying eight to ten, me saying 12,  
20 that's nothing. There's no difference in that.

21 Q. All right.

22 A. She's saying that just to kind of appease the  
23 business people up north. I'm saying what it's really  
24 probably going to turn out to be, and it will be  
25 somewhere in between.



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1 Q. Then on Page 883 you come back and say it's going  
2 to be 12 hours.

3 A. Yeah. No. Wait. Okay. Yeah. 883, that's  
4 addressed to Anita Gaston; right?

5 Q. Yes, and Tom. Yes.

6 A. Yeah. So it just proved what I just said. Meta  
7 said eight -- I said 12. Meta sent eight to ten to  
8 Anita and those people up north. She turns right back  
9 around and says, "Okay, Gene. What will it really be?"  
10 Okay? And that's how that went. And I didn't remember  
11 that. That's just...

12 Q. All right. On Page 884, Anita is asking that,  
13 "Gene, please help me understand why the shutdown time  
14 has increased. Originally, it was going to be ten  
15 hours. The latest information is five days."

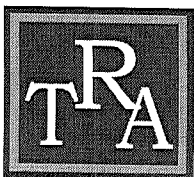
16 And is the SO3 unit the same as the equipment at  
17 issue, the HIP and the CIP?

18 A. It is not.

19 Q. That's what I thought. Okay.

20 And basically these e-mails going back and forth  
21 are kind of trying to consider the customer orders in  
22 planning the shutdown; right? I mean, we can walk  
23 through all of them, but does that appear to be sort of  
24 the --

25 MS. WEINER:



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1                   Your question is the shutdown with  
2   respect to SO3 issues or the shutdown with respect to  
3   the HIP and the CIP?

4                   MS. BARNEY:

5                   Both of them. I mean, we can walk  
6   through them.

7                   THE WITNESS:

8                   If it's both, there's a difference.

9   BY MS. BARNEY:

10       Q. Okay. What's the difference?

11       A. Okay. The SO3 unit, like you said, that's not  
12   part of the equipment in question here.

13       Q. Okay.

14       A. Okay? So if I recall, we were shutting the SO3  
15   unit down to swap the burner out.

16       Q. Okay.

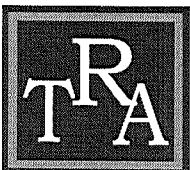
17       A. There was no hard, fast time to do that. That  
18   wasn't due to leaks. It was due to just a routine  
19   maintenance issue.

20       Q. Right.

21       A. So, yeah, you work that around your customer  
22   needs. Just makes good business sense.

23       Q. And you were trying to do them both at the same  
24   time; right, both the HIP/CIP repairs --

25       A. Well, because of the fact that when you take the



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1 HIP and the CIP down, when you take the plant down, SO3  
2 has to go down with it.

3 Q. Right.

4 A. So, yeah, they go simultaneously.

5 Q. So the question was that y'all were trying to  
6 manage the shutdown and consider the customer demand at  
7 the same time. That's what these e-mails that are  
8 basically going back and forth are talking about?

9 A. That's correct.

10 Q. Okay. The conversation seems to start, at least  
11 in this batch of e-mails, on February 8th, 2012, and the  
12 e-mail -- the last e-mail in here is February 20th with  
13 some shutdown plans attached; is that right?

14 A. I'd have to go back and look at DCS records.

15 Q. In order to know when it really shut down and  
16 that sort of thing?

17 A. Yeah. I'm not even sure we're talking about the  
18 same shutdown throughout all of these e-mails.

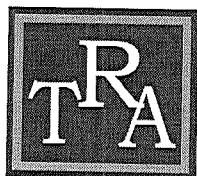
19 Q. So we really need the DCS data to know --

20 A. I'd have to see that, yes.

21 Q. -- when this plant was shut down and when it  
22 wasn't?

23 A. Yes.

24 (Whereupon, Exhibit No. 4 was marked for  
25 identification.)



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1 BY MS. BARNEY:

2 Q. If you'll look at the document I'll mark as  
3 Exhibit 4, which is Bates 878 to 879, on February 7th,  
4 you really wanted them to do the shutdown soon; right?

5 A. Yeah.

6 Q. That's reflected in that e-mail?

7 A. Yeah. That's the same as...

8 Q. The one I just handed you is actually before that  
9 group, I think.

10 A. No. It's right here.

11 Q. It's in there?

12 A. Yeah. Same e-mail, just a link in the chain.

13 Q. Okay. So on February 7th, you wanted it to kind  
14 of happen as soon as the weather would permit. That's  
15 what that looks like; right?

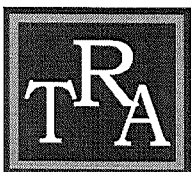
16 A. I don't know. I say, "It shouldn't be a problem  
17 containing, but we are going to have to schedule a  
18 one-day outage very soon. Wednesday of next week looks  
19 good provided the weather cooperates." I don't know  
20 what day February 7th of 2012 was.

21 Q. Okay.

22 A. Was that a week ahead or, you know, I don't know.  
23 I'd have to look back.

24 MS. WEINER:

25 It says Tuesday, February 7th up at the



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1 top.

2 THE WITNESS:

3 Oh, okay.

4 MS. WEINER:

5 So you're talking about a week and a  
6 day.

7 THE WITNESS:

8 Yeah, a week and a day out, so I must  
9 not have been in too big of a hurry.

10 (Whereupon, Exhibit No. 5 was marked for  
11 identification.)

12 BY MS. BARNEY:

13 Q. Okay. If you look at this document, please, that  
14 I'll mark as Exhibit 5. It's Bates 796 to 798, I think.  
15 Is that right, 796 to 798?

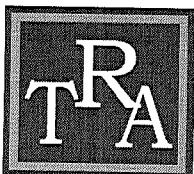
16 A. Yes, that is correct.

17 Q. And that's an e-mail forwarded -- it's an e-mail  
18 from Leo Scott advising Elizabeth Cromwell about a gas  
19 leak and Mr. Miller responds, "Why is Leo putting a gas  
20 leak in an e-mail?" And he CCs you. Do you recall  
21 getting that e-mail?

22 A. I don't remember that.

23 Q. Do you know why Tom would be CC'ing you on such  
24 an e-mail?

25 A. No. Just to keep me informed. I don't know.



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1 Q. Did you have any conversations with Mr. Miller  
2 about Leo Scott putting leaks in an e-mail?

3 A. Not that I recall, no.

4 Q. At some point, did you learn that Mr. Scott went  
5 to the doctor for throat and eye irritation that was  
6 apparently associated with gas exposure at DuPont?

7 A. There has been discussion about that at the site.

8 Q. Recently?

9 A. Just over the past few months.

10 Q. Or back at the time it happened, I guess?

11 A. I guess back whenever it happened.

12 Q. In the last few months?

13 A. I don't even know how long Leo's been gone, you  
14 know.

15 Q. Okay. What is your understanding of that  
16 situation about him going to the doctor for eye  
17 irritation or throat irritation? Do you have any  
18 information on that?

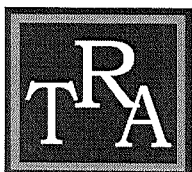
19 A. No, no. I've got an opinion, but I don't have  
20 any information.

21 Q. Okay.

22 A. You probably don't want my opinion.

23 Q. Ms. Weiner may not want you to give an opinion,  
24 but...

25 Do you have any -- were you aware of a situation



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1 where Mr. Scott went back to work in the fall of 2112  
2 and wore PPE, like a face mask and I think an acid suit,  
3 when he was in the vicinity of the gas leak on the  
4 equipment at issue?

5 A. I was told that he did that.

6 Q. Okay.

7 A. I never actually witnessed it.

8 Q. All right. Did you ever instruct him or anyone  
9 else not to wear that sort of PPE in the vicinity of the  
10 equipment at issue?

11 A. Not that I recall.

12 Q. All right. Are you aware of any rules that were  
13 being violated by him wearing that PPE in the vicinity  
14 of the equipment at issue?

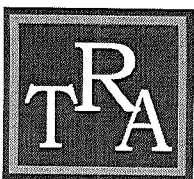
15 A. I guess it depends on the situation. If he was  
16 wearing the equipment while driving a vehicle, then I  
17 don't know that it's a rule being violated, but it is an  
18 obstruction to his view, so it's just not a good  
19 practice. It's an unsafe practice.

20 Q. Okay.

21 A. And he shouldn't have been doing that and I was  
22 told that he was driving vehicles doing it.

23 Q. Who were you told that by?

24 A. I don't recall. I just know that I was told, you  
25 know, by somebody. I don't even remember who told me.



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1 Q. Okay. Other than driving vehicles, do you know  
2 whether him wearing the PPE in the vicinity of that  
3 issue would have broken any rules at DuPont?

4 A. As far as I know, it would not have broken any  
5 rules.

6 Q. Have you instructed employees to wear PPE while  
7 they're working in the vicinity of the equipment at  
8 issue?

9 A. There was a time when I had employees where PPE,  
10 when they were working underneath the HIP/CIP, in case  
11 we had sulfate build-up and if it was raining,  
12 et cetera, then you get a drip of something on you,  
13 yeah.

14 Q. Okay.

15 A. I instruct employees all of the time through  
16 permits and job hazard analysis that if they are up  
17 there dealing with gas hoses, then they've got to have  
18 their respirators and acid suits and appropriate PPE to  
19 protect them.

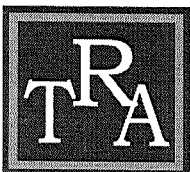
20 Q. Okay. So you've instructed them that if they're  
21 working on the gas leak, on the hose system --

22 A. Correct.

23 Q. -- that they should wear PPE?

24 A. Correct.

25 Q. Have you ever seen employees working on the hose



1 system without PPE?

2 A. No.

3 Q. Okay. What time range was it that you told  
4 people who were working under the equipment to wear PPE?

5 A. Sometime late 2013. Late this year.

6 Q. Okay.

7 A. Or say -- I guess -- I say late. Midyear.  
8 Before the turnaround.

9 Q. All right. Are employees also supposed to use  
10 the windsock to try to stay away from the gas vapors  
11 that may be emitted from the equipment at issue?

12 A. The employees are supposed to use the windsock to  
13 determine which way to go in case of a leak, yes.

14 Q. Well, we know there are leaks from the equipment,  
15 so you mean in case of a visible leak that is escaping  
16 from the hose system?

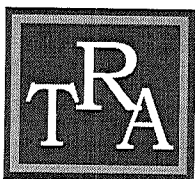
17 A. Sure, uh-huh.

18 Q. Okay. I'll ask you these questions even though  
19 they've been asked and answered by lots of other  
20 witnesses, so don't feel like you're the first.

21 There's no one who is assigned to sit out beside  
22 the equipment at issue and watch for a visible gas leak  
23 at all times; right?

24 A. No.

25 Q. And there are no monitors set up out by the



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1 equipment at issue to detect an SO2 or SO3 gas vapor in  
2 the air; right?

3 A. No.

4 Q. There's no alarm system on the black plastic hose  
5 system that will go off before it fails?

6 A. No.

7 Q. Okay. And an SO2 gas leak is not visible, but an  
8 SO3 gas leak is; right?

9 A. I don't know that that's totally true.

10 Q. Well, let me word it a different way.

11 If you see a gas leak, you're seeing SO3 gas, not  
12 SO2 because SO2 is invisible; right?

13 A. Yes.

14 Q. Okay. You don't have any documentation or other  
15 information that would tell you the quantity of either  
16 SO2 or SO3 gas that has escaped from the equipment at  
17 issue since December 2011?

18 A. No.

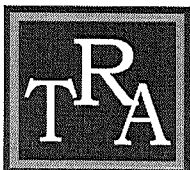
19 Q. Okay. There's no system that you're aware of  
20 that will measure the amount of gas that escapes from  
21 the hose system?

22 A. No.

23 Q. Is that right?

24 A. That's correct.

25 Q. Do you have any -- you said earlier I think you



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1 had some experience with OSHA or some training on OSHA  
2 and that might have been at an old job. Do you know  
3 what the permissible exposure level is for employees  
4 under OSHA with regard to SO3?

5 A. No.

6 Q. Do you know if there is one?

7 A. I'm sure there is. I haven't seen it. Actually,  
8 I probably have seen it on the MSDS. I just don't  
9 recall it.

10 Q. And DuPont has prepared it's own MSDS for SO2 and  
11 SO3?

12 A. That's my understanding.

13 MS. BARNEY:

14 That's on my list, too.

15 BY MS. BARNEY:

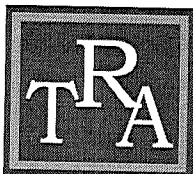
16 Q. Do you know what the permissible exposure level  
17 for SO2 is, if there is one, under OSHA?

18 A. No.

19 Q. Were you involved at all in putting together a  
20 response letter to OSHA on June 1, 2013 with regard to  
21 alleged gas exposure at the DuPont Burnside plant?

22 A. No.

23 Q. Were you aware that the plant responded to OSHA  
24 with regard to allegations of employee exposure from the  
25 gas leaks that we've been talking about today?



1 A. To OSHA?

2 Q. Uh-huh.

3 A. I may have been, but I don't recall that. In  
4 2013; is that what you said?

5 Q. Wait a minute. I may have the year wrong. Do I  
6 have the year wrong?

7 A. I'm going to grab some more water.

8 Q. It was June 1, 2012 was the response. Sorry  
9 about that.

10 Do you recall any preparation of a response to  
11 OSHA in June 2012?

12 A. I don't.

13 Q. Okay.

14 A. Are you going to show me some document that I  
15 provided or something?

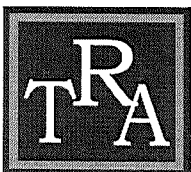
16 MS. WEINER:

17 I don't believe your name is on that  
18 document.

19 (Whereupon, Exhibit No. 6 was marked for  
20 identification.)

21 BY MS. BARNEY:

22 Q. I'll just show you a letter with a fax sheet on  
23 top, Bates pages 965 to 967. We'll mark this as Exhibit  
24 6. This is a fax from OSHA to Tom Miller, and the  
25 letter on the second page you'll see is dated, I



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1 believe, May 25, 2012.

2 A. Uh-huh.

3 Q. And my question is, have you ever seen that  
4 letter before?

5 A. I don't recall seeing it. Doesn't mean I hadn't,  
6 but I don't recall.

7 Q. Is that sort of thing -- well, would that sort of  
8 thing have a tendency to stick out in your memory or do  
9 you see a lot of letters from OSHA about gas leaks at  
10 DuPont?

11 A. No, I don't. No. If it's posted somewhere on a  
12 board or something, would it stick out? No. You  
13 know...

14 Q. But as far as you know, you've never seen that  
15 before?

16 A. I don't recall seeing it.

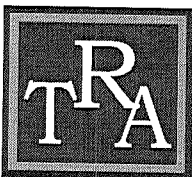
17 Q. Mr. Miller didn't come to you for input on how to  
18 respond to that letter?

19 A. Not that I recall, no.

20 Q. Do you recall a time when the fire department  
21 came out to DuPont Burnside because of a report of a gas  
22 leak?

23 A. May of one year. May of 2012.

24 Q. Okay. So you recall that happening around May of  
25 2012?



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1 A. I do. I think it was May. The reason I say that  
2 is I was at the Jambalaya Festival in Gonzales when they  
3 called me.

4 Q. Okay.

5 A. And I think that's normally in May. And I think  
6 it was last year, in 2012; right? I think.

7 Q. That may be the case. That's what you recall?

8 A. Yes.

9 Q. And you received a call from Allen Williams, who  
10 was an operator at DuPont?

11 A. I assume that's who it was. I just remember I  
12 received a call from the plant. I don't remember who it  
13 was. Could have very well been Allen.

14 Q. What do you recall being told?

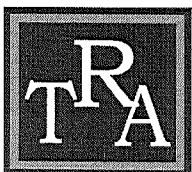
15 A. That the fire department had pulled up. And I  
16 don't remember if they said they had they took them in  
17 the plant or not, but I know that they -- the fire  
18 department, from what I recall, determined that there  
19 was no issue and left.

20 Q. Okay.

21 A. How they determined that, I don't know.

22 Q. All right. So you don't have any specific  
23 documentation or information that tells you that the  
24 fire department did a tour?

25 A. I do not.



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1 Q. Or whether they were turned away at the gate?

2 A. I do not know.

3 Q. Do you remember responding to the operator who  
4 called you by saying, "Did the media come out?"

5 A. I don't recall that, but that would be a normal  
6 question.

7 Q. Okay. Why would that be a normal question?

8 A. Because there are appropriate ways to respond to  
9 the media from a corporate standpoint, and so if the  
10 media just shows up at the gate, all personnel know to  
11 contact the right management, right people from  
12 management so that those responses are done correctly.

13 (Whereupon, Exhibit No. 7 was marked for  
14 identification.)

15 BY MS. BARNEY:

16 Q. Okay. I'll show you a document that we'll mark  
17 as Exhibit 7 and it's Bates labeled 895 through 899,  
18 prefix DFS and ask you to look at that for me. I  
19 believe it's an e-mail from Jim Rickher --

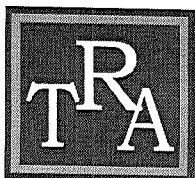
20 A. Rickher, uh-huh.

21 Q. -- to you; is that right?

22 A. Uh-huh. That's correct.

23 Q. It seems to be attaching a CIP/HIP replacement  
24 schedule; is that what it says?

25 A. That's correct, yes.



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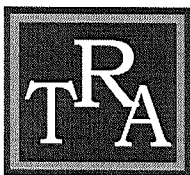
1 Q. Who is Jim Rickher?

2 A. Jim was -- he's a KBR employee that was the --  
3 Jim was the project manager for KBR on the DAR project  
4 at Burnside, and he is currently at the site. He was  
5 the planner/scheduler for our 2013 shutdown as well as  
6 the construction manager for the spent furnace  
7 replacement project.

8 Q. Is the document that's attached to the e-mail the  
9 CIP/HIP replacement schedule?

10 A. Yeah. What that document represents is when we  
11 built the DAR project -- let me retract that.

12 Once we finished the construction on the DAR  
13 project and went through the shutdown and tied  
14 everything in, due to the complexities of this HIP/CIP  
15 during the construction phase, we decided at that point  
16 in time to -- while we had the people on site that built  
17 the thing, to develop a schedule to replace it so that  
18 down the road when we got to that point, we would at  
19 least have collected the knowledge of those individuals  
20 that build it and documented it in a schedule because,  
21 you know, those were all construction guys, and once  
22 they finished, they just went away. You don't see them  
23 anymore. So that was the premise and the intent behind  
24 building that schedule. That schedule was actually  
25 built back in '09.



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1 Q. Okay. And it was calendared for review in April  
2 2012?

3 A. That doesn't surprise me. It just depends on the  
4 run date out of Primavera.

5 Q. The run date says April 11, 2012 --

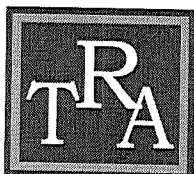
6 A. 2012.

7 Q. -- on page Bates 896.

8 A. So if you see -- page what?

9 Q. 896.

10 A. Yeah. So the run date is April of 2012 and the  
11 start, finish, all of that, the data dates are all back  
12 in May of '09, you know, April, May of '09. So  
13 basically what we did is we created -- and I'm just kind  
14 of going from memory here and based on my knowledge of  
15 Primavera, we created this schedule back in April/May of  
16 '09, which was right after we tied it all in and turned  
17 it over to operations, while we still had the resources  
18 here. We couldn't plug a true date in for start/finish  
19 because we had no clue at that point in time when that  
20 start/finish date would be, but what we could do was  
21 just start on day one of May of '09 and say, "Okay. How  
22 long will it take us to do this? How many days would we  
23 have to have the plant down?" And that was the only  
24 intent of developing this was so that we captured all of  
25 that knowledge before they got away from the site.



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1 Q. So it's run in April 2012 because that's when --  
2 you knew back in '09 that it would need to be reviewed  
3 or why was it run in April of 2012?

4 A. I don't -- I don't know. I mean, other than  
5 there was -- evidently, there had to have been some  
6 discussion around how long would it take to replace the  
7 HIP and CIP. I don't recall why or who or what, but I'm  
8 sure that's what it had to be.

9 Q. Well, they didn't talk to you about those  
10 discussions being the maintenance guy?

11 A. I'm sure they did because Jim printed this and  
12 sent it to me.

13 Q. Okay. So around this time, y'all were talking  
14 about needing to replace the CIP and the HIP?

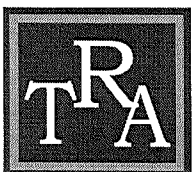
15 A. Apparently, we were talking about how long it  
16 would take to replace the CIP and the HIP; otherwise, I  
17 wouldn't have asked them to send me this schedule.

18 Q. All right. And it's kind of an obvious question,  
19 but y'all were talking about needing to replace the HIP  
20 and the CIP because of the leaks that they were having;  
21 right?

22 MS. WEINER:

23 Is your question because of the leaks  
24 they were having in May of '09?

25 MS. BARNEY:



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1                   No. The leaks that they were having in  
2 the equipment by April 11 of 2012.

3                   THE WITNESS:

4                   That's an assumption on my part.

5 BY MS. BARNEY:

6           Q. Okay. I mean, you don't know of any other reason  
7 other than gas leaks --

8           A. I don't.

9           Q. -- that you would have to be talking to anybody  
10 about replacing --

11          A. I don't.

12          Q. -- the HIP and the CIP in April of 2012; right?

13          A. I don't.

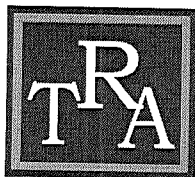
14          Q. Were you involved in any conversations or  
15 receiving any information from Lewis Chu at some point  
16 between '09 and April of 2012 where he was saying that,  
17 you know, he didn't think this equipment was going to  
18 work right, keep working right or work up to the  
19 performance levels that you needed?

20          A. What equipment?

21          Q. The HIP and the CIP or the converter, for that  
22 matter.

23          A. State the question again.

24          Q. Do you recall any discussions or advice from  
25 Lewis Chu about the fact that the HIP, the CIP and the



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1 converter were not going to perform up to the levels  
2 that DuPont Burnside needed them to perform?

3 A. Not that I recall. I mean, that's a little bit  
4 of an open-ended question. Not going to perform up to  
5 the levels we need them to perform for how long? I  
6 don't...

7 Q. Just any discussions about that. Do you remember  
8 there being any conversations about that?

9 A. No, I don't.

10 Q. Do you recall who else might have been involved  
11 in these discussions on April 2012 other than you and  
12 Mr. Rickher? And I'm referring back to Exhibit 7.

13 A. No.

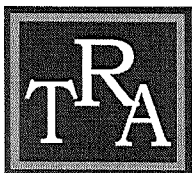
14 Q. Would a decision to replace the HIP and the CIP  
15 at Burnside have to have been approved by the plant  
16 manager?

17 A. Yes, and others, but, yeah, he would be in that  
18 approval loop.

19 Q. What was the time period that it was going to  
20 take to do a replacement under this original analysis  
21 that's attached to Exhibit 7?

22 A. Duration, you're saying? That's what you're  
23 asking?

24 Q. Yeah. The original estimation back in May of  
25 '09.



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1 A. It was about a month.

2 (Whereupon, Exhibit No. 8 was marked for  
3 identification.)

4 BY MS. BARNEY:

5 Q. Okay. I'll show you a document that's Bates  
6 labeled 900 through 902 which I'll mark as Exhibit 8.  
7 It appears to be an e-mail from Mark Macha to you dated  
8 May 1, 2012 with the subject "CIP gas leak."

9 A. Uh-huh.

10 Q. And it seems to be attaching some pictures. Do  
11 you recall --

12 A. This?

13 Q. Does that accurately describe the document?

14 A. Yeah.

15 Q. Okay. Mark is sending you pictures of what on  
16 the CIP, a crack or a hole, I believe --

17 A. A couple of pictures I took we stripped off the  
18 insulation a few weeks back.

19 Q. Do you recall seeing these pictures?

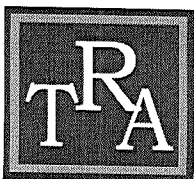
20 A. I don't remember, no.

21 Q. Okay. And when he's referring to the crack, is  
22 it your understanding he's talking about this area here?

23 A. Oh, no. That's not a crack.

24 Q. What's he talking about?

25 A. I don't know, but that is not an open gas leak



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1 right here. I can tell you that that is a gap between  
2 the metal.

3 Q. Okay. His e-mail doesn't say "crack," does it?

4 A. No, it doesn't.

5 Q. It just says, "A couple of pictures" --

6 A. You said crack.

7 Q. -- "I took when we stripped off the insulation a  
8 few weeks back."

9 A. Right. It just says, "CIP gas leaks. A couple  
10 pictures I took when we stripped off the insulation a  
11 few weeks back."

12 Q. What is your understanding as to the important  
13 spot on that picture with regard to the gas leak?

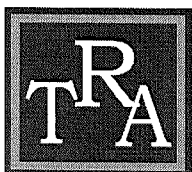
14 A. I don't see the leak spot, per se. Okay? But  
15 what I do see is corroded insulated sheet metal that is  
16 indicative of a gas leak somewhere in that area.

17 Q. Okay.

18 A. That's all I can tell you. I mean, I don't know  
19 what else to say. I'm not even sure what angle we're  
20 looking at from here, but that's what I see when I look  
21 at it.

22 Q. All right. So it's your understanding that  
23 there's no hole or crack in the CIP that is captured in  
24 this photo?

25 A. It's my interpretation from looking at the photo,



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1     yeah, that's correct.

2         Q.   And that was your understanding when you got the  
3     e-mail --

4         A.   No.

5         Q.   -- that you had not laid eyes on a hole or crack?

6         A.   I did not say that.   No.   No.

7         Q.   Okay.   Clarify for me.

8         A.   Well, I don't recall May of 2012, so I -- if this  
9     is about a specific leak that Mark and I had a  
10    discussion about, I just don't recall where it was or  
11    when it was.   All I'm saying is this gap-looking spot  
12    right here is not a crack in the HIP/CIP.

13        Q.   And you don't know whether, when you first got  
14    this e-mail in May of 2012, there was a crack or hole  
15    that you were focused on in this picture in May 2012?

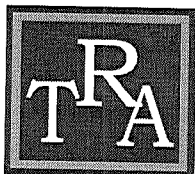
16        A.   I don't remember.   I really don't remember.

17        Q.   But as you sit here today, you can say the  
18    dark thing in the middle was not a hole or crack and  
19    that was the focus?

20        A.   Oh, yeah.   That is not a crack.

21        Q.   And how can you say that?

22        A.   Because it's so well defined.   Any crack in this  
23    equipment or in any equipment from a structural  
24    integrity standpoint will not be straight lined.   It  
25    will be jagged edged, without a doubt, and knowing --



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1 Q. Unless it's a separation or break; right?

2 A. No. Even a separation or a break will be jagged.

3 And knowing this equipment the way I know it, I  
4 know that that's a gap between the exchangers. I just  
5 can't tell what angle I'm looking at here to really  
6 identify where it is, but I know that's what that is.

7 Q. Okay. So do you see anything other than what  
8 you've already described about the sulfates and the --  
9 or I think you said sulfate, the corrosion on the  
10 insulation?

11 A. No, nothing that jumps out at me.

12 Q. So other than that, you don't know why he sent  
13 you these pictures?

14 A. I'm sure it was relative to a gas leak, but I  
15 just don't know where it is.

16 Q. Right. But, I mean, you don't know what  
17 information the pictures give you other than what you've  
18 already described?

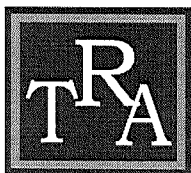
19 A. That's correct.

20 Q. Did you instruct any further investigation to  
21 find the source of the leak that was at issue in this  
22 e-mail?

23 A. I don't recall. That's the HIP repair.

24 Q. Okay.

25 A. That's the one you asked me about earlier.



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1 (Whereupon, Exhibit No. 9 was marked for  
2 identification.)

3 BY MS. BARNEY:

4 Q. Oh, okay. Let me show you what we'll mark at  
5 Exhibit 9, which is Bates pages 905 and 906. And I was  
6 a little confused. I thought that the e-mail was  
7 attaching two pictures, but apparently, the subject says  
8 the picture name and then the attachment says the  
9 picture name, so I think there's only supposed to be one  
10 attachment, which that's all there is.

11 A. Uh-huh.

12 Q. So that's an e-mail dated May 30th?

13 A. Correct.

14 Q. And that's from who? Mark Macha to you?

15 A. That's from me to me.

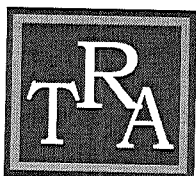
16 Q. From you to -- okay. I'm sorry. I don't have a  
17 copy, so I'm doing it from memory.

18 A. Yeah. Yeah.

19 Q. And why did you e-mail that picture to yourself?

20 A. I think I e-mailed it -- I e-mailed it to myself  
21 from my phone. That's what it was, because it's sent by  
22 the Blackberry, and with my computer illiteracy, that's  
23 the only way I knew to do it to get it to me.

24 Q. So you took this picture when you were out there  
25 looking at this what?



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1 A. This repair.

2 Q. What is that?

3 A. That is actually the repair on the HIP.

4 Q. And this is Page 926?

5 MS. WEINER:

6 906.

7 THE WITNESS:

8 906. Yeah.

9 MS. BARNEY:

10 906. I'm sorry.

11 BY MS. BARNEY:

12 Q. So this is a picture of a repair to the HIP?

13 A. Correct.

14 Q. And what area was repaired; can you tell?

15 A. Yeah. Underneath this plate, can you see this  
16 weld?

17 Q. Yes.

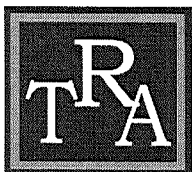
18 A. That weld is around an additional plate that was  
19 put on there.

20 Q. Okay.

21 A. Underneath this plate is where that -- remember  
22 earlier I mentioned a -- I thought about a nine-inch  
23 crack?

24 Q. Crack, uh-huh.

25 A. It's under there.



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1 Q. So when you look at the picture, it almost looks  
2 like lips, I guess. Almost looks like a smile; right?

3 A. Not to me.

4 Q. How about we do this, then: How about we draw  
5 it? Can you just outline for me the new weld and write  
6 "plate" where the plate was inserted over the crack that  
7 you mentioned.

8 A. Oh, sure.

9 Q. So you can...

10 A. Yeah. It don't write on here.

11 Q. That pen's not working?

12 A. No. It don't write on here.

13 MS. WEINER:

14 You can try that or one of those.

15 BY MS. BARNEY:

16 Q. Okay. So you're kind of putting black, squiggly  
17 lines on the weld?

18 A. Yes, I am.

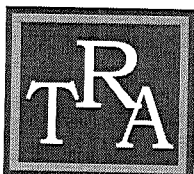
19 Q. Okay. And then inside of that area is the metal  
20 plate that was placed over the crack you described on  
21 the HIP that you saw earlier?

22 A. That's correct.

23 Q. All right.

24 A. So all of this is new plate.

25 Q. Where it says "plate"?



1 A. Yeah.

2 Q. Okay.

3 A. This area (indicating) all of the way to here  
4 (indicating). And this weld is actually on the  
5 parameter of the new plate.

6 Q. Okay. And the weld is the black, squiggly lines?

7 A. That's correct.

8 Q. And you've written "weld" and pointed to that?

9 A. Yes.

10 Q. All right. Do you have any idea when you first  
11 saw the crack that eventually received that metal plate  
12 on top of it?

13 A. The day that we repaired it. May 30th I think is  
14 that date.

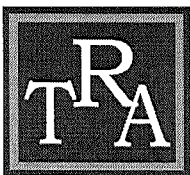
15 Q. So they had removed the insulation to do the work  
16 and that's when you saw it?

17 A. That day, yes.

18 Q. Do you recall when's the first time you saw a  
19 leak that you thought was coming from that area?

20 A. No, I don't recall.

21 Q. Okay. I believe in the discovery responses,  
22 which are DuPont's responses to the third set of  
23 interrogatories, is that in those answers a lot of them  
24 said Mr. Clemons will tell you the answer at his  
25 deposition.



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1 A. Right.

2 Q. So I wanted to ask you about those.

3 A. And I will do that to the best of my ability.

4 Q. And we've touched on that a little bit, I guess.

5 A. Uh-huh. Maybe. Maybe not.

6 Q. Okay. Interrogatory No. 1, "Describe the number,  
7 size and location of any holes and/or cracks you found  
8 in the CIP and/or any ductwork or plenum attached  
9 thereto during the recent turnaround which began at the  
10 DuPont Burnside plant in late September 2011."

11 A. Uh-huh.

12 Q. It says, "Mr. Clemons can provide the requested  
13 information upon questioning during his deposition."

14 Did anyone capture the number, size and location  
15 of the holes and cracks in the CIP during the  
16 turnaround?

17 A. Uh-huh, yes.

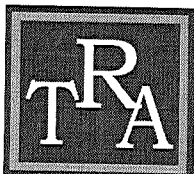
18 Q. Who did that?

19 A. It was combination of, like I said earlier, Ivy,  
20 Scott Whitlow and the Acuren employees.

21 Q. Okay. And this was our discussion earlier about  
22 the photos that they took, so they went and took photos  
23 and we've already talked about that.

24 A. Correct.

25 Q. And how they decided what to photograph.



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1 And other than those paragraphs, is there any  
2 other documentation or information that you have about  
3 the number, size and location of any holes and cracks in  
4 the CIP?

5 A. No.

6 Q. Okay. We can go over these photographs in a  
7 minute.

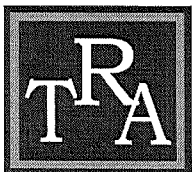
8 A. Uh-huh.

9 Q. Interrogatory No. 2, "Describe the repairs, if  
10 any, you performed on any holes you found on the CIP,  
11 ductwork, et cetera during the turnaround, the  
12 consequences of those repairs, such as whether those  
13 repairs successfully closed the holes and/or cracks,  
14 whether the equipment walls in which the holes and  
15 cracks existed were too thin to allow for successful  
16 repair or whether the attempted repairs gave rise to  
17 additional holes and cracks."

18 Okay. So that's all with regard to the CIP,  
19 Interrogatory No. 1?

20 A. Right.

21 Q. Of the holes and cracks that were photographed  
22 and repaired during the turnaround for the CIP, do you  
23 know the answers to these questions which is, you know,  
24 were they successful? You can refer to them if you  
25 need.



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1 I guess the questions are, were repairs made to  
2 all of the holes and cracks that were found in the CIP  
3 and can you tell whether the repairs were successful or  
4 whether they weren't?

5 A. Right. Yes, there were repairs made to the holes  
6 and cracks in the CIP, and, yes, they were successful.

7 Q. Okay. Did new holes and cracks appear after the  
8 repairs were made?

9 A. A new crack appeared after startup.

10 Q. Do you really know whether it was a new crack or  
11 whether it was one that was not photographed and  
12 identified before the repair work began?

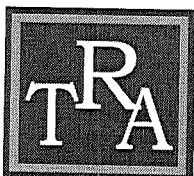
13 A. I think I can show you with the pictures that it  
14 was a new crack. Now, whether you have those pictures,  
15 I don't know, but I'm kind of going from memory with  
16 pictures that I've looked at over the past however long,  
17 but I think I can show you where it was actually a new  
18 crack that developed after startup.

19 Q. Okay.

20 A. And then we shut down and addressed that issue  
21 and then started back up and another new crack  
22 developed.

23 Q. All right. And when were these -- I guess a hot  
24 shutdown. When were these hot shutdowns?

25 A. They were soon after the startup at the end of



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1 October.

2 Q. So like the night of the 27th?

3 A. No, no, no. These were a few days later. I'd  
4 have to go back and look at the DCS to...

5 Q. Okay. How many points do you have hoses directed  
6 to on the CIP right now?

7 A. One.

8 Q. And where is that, the area you told me about  
9 earlier, the north --

10 A. Yes, the north, top of plenum, center.

11 Q. How many spots did you have hoses directed to  
12 before the turnaround on the CIP?

13 A. I know four. Maybe more, but I know four.

14 Q. Okay. Do you know how long there had been four  
15 hose target points, I guess, for lack of a better word,  
16 four spots on the CIP where hoses were aimed at?

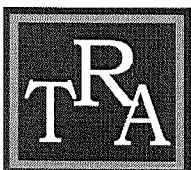
17 A. No.

18 Q. Had there been four for some pretty long time or  
19 was the fourth one -- you know, was it maybe three  
20 months you've had four or a year that you've had four  
21 before the shutdown?

22 A. I really don't know. I don't recall.

23 Q. All right. For the HIP, I guess we'll get to  
24 that. It's probably the next interrogatory.

25 A. Uh-huh.



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1 Q. Is that interrogatory number...

2 A. This is all CIP.

3 Yeah, right here.

4 Q. Interrogator No. 3 is asking the same questions  
5 that we went through earlier with regard to the HIP.

6 A. Uh-huh.

7 Q. Can you tell us the number and size and location  
8 of any holes that were found in the HIP, and my question  
9 is, is that, again, documented based on the photographs  
10 that were taken?

11 A. Yes.

12 Q. Is it documented any other way?

13 A. No.

14 Q. And from the photographs, are you able to tell  
15 how many holes and cracks there were in the CIP?

16 A. Yes, I think so.

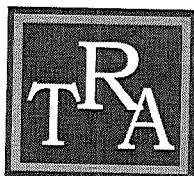
17 Q. How many do you think they found during the  
18 turnaround?

19 A. I think it was three.

20 Q. And I don't know if we covered this, but how many  
21 do you think they found in the HIP when they took  
22 photographs of the areas they were going to work on?

23 A. I think it was three again.

24 Q. Back to the HIP, do you know whether they were  
25 able to repair the holes and cracks that they found in



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1 the HIP?

2 A. All but one.

3 Q. And how do you know that all but one of the three  
4 that they found were fixed?

5 A. Because upon startup, one of them immediately  
6 began leaking a small amount of SO3 gas.

7 Q. That was visible to somebody at the site?

8 A. Yes.

9 Q. Do you know who was there?

10 A. I was there.

11 Q. That was during the day --

12 A. Uh-huh.

13 Q. -- on October 27th?

14 A. Uh-huh.

15 Q. I thought you testified earlier you weren't there  
16 that day.

17 A. I wasn't there that evening when they had the  
18 problems.

19 Q. Okay.

20 A. Now, you've got me questioning myself.

21 Q. You won't be the first to get confused on the  
22 dates.

23 October 27th is a Sunday; does that help you any?

24 A. I know that I wasn't there the day they had -- on  
25 startup when they had the leak on the drain. It must



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1 have been Monday when I looked at the HIP, the leak on  
2 the HIP. Had to have been.

3 Q. Okay. And then what did you instruct be done for  
4 the leak on the HIP on that Monday?

5 A. We put a hose on it. Put a box and a hose on it  
6 and contained it 100 percent.

7 Q. As far as you could see?

8 A. Either it's contained or it's not. If it's not,  
9 you'll see it.

10 And then we scheduled a shutdown to try to  
11 address it and permanently repair it.

12 Q. And when did you...

13 A. Again, don't --

14 Q. DCS for when that happened?

15 A. I'd have to go back to DCS. I actually brought  
16 the contractors back in. We took it down and attempted  
17 to repair it again.

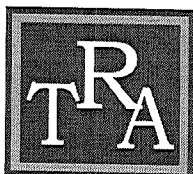
18 Q. Was this an area of the HIP that could be reached  
19 during the hot shutdown?

20 A. Yeah, yeah. I mean, you know, once I brought the  
21 contractors back in, that was a hot shutdown. That was  
22 a very difficult area to reach, but...

23 Q. During a hot shutdown?

24 A. During a hot shutdown, but it was doable.

25 Q. What area was that on the HIP?



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1 A. That's the north side center on top of the  
2 plenum. Same one I described to you earlier that has  
3 the hose on it now.

4 Q. And that's been leaking for a long time; right,  
5 before the shutdown?

6 A. Yeah. I don't know how long.

7 Q. Okay.

8 A. It's not leaking now.

9 Q. As far as you know?

10 A. It's not leaking. It's being pulled back into  
11 the process.

12 Q. Oh, so it has a hose on it still?

13 A. Absolutely.

14 Q. Which means it is leaking?

15 A. No, it's not. It's being pulled back into the  
16 process.

17 Q. Well, the vessel itself is leaking; right?

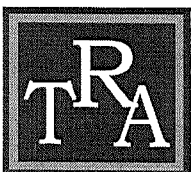
18 A. It's not leaking into the atmosphere.

19 Q. That's your testimony?

20 A. Yes, it is.

21 Q. What about the converter; do you know how many  
22 holes and cracks were found during the repair efforts  
23 that they decided to work on? And are those documented  
24 in photographs?

25 A. No and yes.



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1 Q. You don't know how many, but there are  
2 photographs?

3 A. Yeah, there's photographs. The damage -- you  
4 know, the -- yeah, the damage to the converter was  
5 pretty significant, so there's a number of photographs  
6 which I'm sure you have showing that.

7 Q. Do you know whether there were areas on the  
8 converter that were not successful -- that were found  
9 but not successfully repaired in the recent turnaround?

10 A. Yes, there were.

11 Q. About how many?

12 A. Two.

13 Q. Where are they?

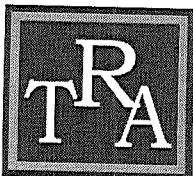
14 A. First pass exit, second pass inlet transitions.

15 Q. How did you discover that those were not  
16 repaired?

17 A. Upon startup, you could see a slight gas leak at  
18 each one of them, and we went and put hoses on them.

19 Q. The first time you saw that would have been  
20 Monday?

21 A. Yeah, I'm assuming. Yeah. I don't remember when  
22 the hoses got put on. I don't know if they put hoses on  
23 Sunday night or Monday. I don't remember. And like I  
24 said, we took the clamp back down, I don't know, within  
25 that first week there sometime to address all of the



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1 leaks that occurred after startup, you know, that either  
2 the repair wasn't successful or they were new leaks.  
3 And we were successful with some of those, but not all  
4 of them. And, therefore, we've got, what, four hoses --

5 Q. Still got a hose system?

6 A. -- four hoses out there now.

7 Q. Do you know of any other acid plant at Burnside  
8 that has operated with the hose system for two years?

9 MS. WEINER:

10 Any other acid plant within DuPont? You  
11 said at Burnside.

12 MS. BARNEY:

13 Sorry. Within DuPont.

14 THE WITNESS:

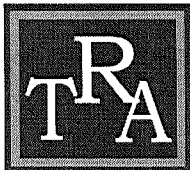
15 Dang. I was going to say no.

16 I don't know. I don't know. I think  
17 that other acid plants use the vacuum systems. I just  
18 don't know how extensive, but I also know that you  
19 can't -- you're not comparing apples to apples there.

20 BY MS. BARNEY:

21 Q. Why is that?

22 A. Because the Burnside plant is so much larger than  
23 the rest of the plants. So when you get into, for  
24 example, a HIP repair, for example, at one of the other  
25 plants, the HIP at either of the other plants is



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1 one-third the size of the HIP at Burnside. Same thing  
2 with the CIP. The converters are probably 25 percent  
3 the size. So permanent repair accessibility to the  
4 units for permanent repair is much, much easier at the  
5 smaller units, so it's more doable. So, therefore, you  
6 can make those repairs on hot shutdowns and not cycle  
7 the temperatures as bad. So it's a different thought  
8 process between the sites with all of that. It's from a  
9 maintainability standpoint, but like I said, I don't  
10 know what they do exactly.

11 Q. When the black plastic hoses that you use on  
12 these leaks are -- they suck up moisture as well as the  
13 leaking gas; right?

14 A. Correct.

15 Q. And SO3 is really not supposed to be kept in the  
16 presence of moisture; right?

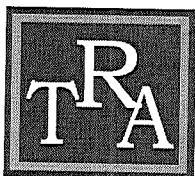
17 A. Yeah, that's correct.

18 Q. And so in the black plastic hoses, acid collects  
19 where the hoses have a dip in them based on gravity or  
20 whatever; is that right?

21 A. That is correct.

22 Q. And when the acid builds up, it causes a couple  
23 problems, one being that it blocks the vacuum that is  
24 trying to suck up the gas leaks; right?

25 A. Correct.



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1 Q. And it melts the black hoses or I guess melt --  
2 it melts them but not with heat, I guess, as much as it  
3 is with the acid; is that right?

4 A. Corrodes them.

5 Q. Corrodes. Okay.

6 A. Uh-huh.

7 Q. And so the black plastic fails at that point?

8 A. Correct.

9 Q. And that's why it's been labor intensive, for  
10 lack of a better word, to keep the hose system intact  
11 and doing its job; is that right?

12 A. That's correct.

13 MS. BARNEY:

14 I think we have quite a few photographs  
15 to go through, so I was sort of saving those for one  
16 time. Before we start into that, y'all want to take a  
17 quick, little, three-minute break?

18 MS. WEINER:

19 Sure.

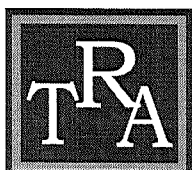
20 THE WITNESS:

21 That's fine.

22 (A recess was taken.)

23 (Whereupon, Exhibit No. 10 was marked for  
24 identification.)

25 BY MS. BARNEY:



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1 Q. Before we get to the photos, can I show you a  
2 document that I'll mark as Exhibit 10 and ask you to  
3 take a look at this. This is Bates labeled 931 through  
4 933. It's an e-mail. I think it's between Mark Macha  
5 and Ian Devlin, who, unfortunately, I understand is no  
6 longer with us. I'm sad about that for you.

7 Page 932, I think has your name in that group,  
8 but the point of the question is, there was a meeting  
9 going on in May 2012 regarding a cold shutdown, and I  
10 wanted to see if you recall that meeting and whether you  
11 attended.

12 A. Well, my guess is since I was the chair of the  
13 meeting, I probably did attend.

14 Q. Okay. Yeah. I just saw that myself.

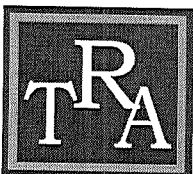
15 A. I don't recall the meeting, but what you have  
16 here is actually a calendar invitation that due to the  
17 formatting of one of the computers didn't print as such,  
18 but you can tell the way it's done that's a calendar  
19 invitation sent from me.

20 Q. All right. And so that was --

21 A. And he forwarded it to Ian because I probably  
22 inadvertently left Ian off the distribution.

23 Q. So you chaired that meeting, and the subject was  
24 apparently a cold shutdown scope discussion.

25 A. Uh-huh.



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1 Q. Right?

2 A. That's correct.

3 Q. Would that have been a cold shutdown in an  
4 attempt to address the gas leaks?

5 A. I don't recall. I don't know.

6 Q. Can you think of any other reason you would have  
7 been talking about a cold shutdown in May of 2012?

8 A. No. I can't think of any other reason.

9 Q. All right. Do you have any specific recollection  
10 of the meeting?

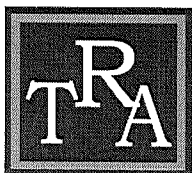
11 A. No.

12 Q. And I guess no -- it's correct that no cold  
13 shutdown occurred in May of 2012; is that right?

14 A. That's correct. And it's starting to come back  
15 to me a little bit. The leak that we had on the HIP was  
16 driving that.

17 Q. Okay.

18 A. And I can't remember what lead us to believe we  
19 were going to have to take a cold shutdown to address  
20 it. I'm not sure what that was, but for whatever  
21 reasons, we were thinking to address that leak that you  
22 have the picture of that we looked at a while ago that I  
23 did the outline on, was going to require a cold  
24 shutdown. As it turned out, once we got the insulation  
25 stripped and found the leak, we actually exposed it in a



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1 place that you could get to it. It turned out to be a  
2 hot shutdown because we were able to get to it.

3 Q. Okay. All right. We have lots of pictures to  
4 try to get through. We may not get through them all, so  
5 I'll try to do the best we can.

6 A. Those are pictures from?

7 Q. All kinds of things.

8 A. Some that I have seen, some that I haven't, I  
9 guess.

10 MS. WEINER:

11 Probably. Some that they took, some  
12 that DuPont took.

13 THE WITNESS:

14 Okay. We'll do the best we can do.

15 MS. BARNEY:

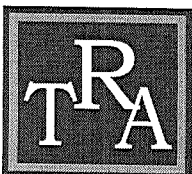
16 Yes. I thought I would just start with  
17 these, the hard version, before I get into the  
18 electronic stuff.

19 BY MS. BARNEY:

20 Q. These that I'm going to -- I'm about to start  
21 showing you some photos that were taken by Mr. Simoneaux  
22 or one of us at the site inspection when we were there  
23 in September 2013.

24 A. Okay.

25 Q. So that would have been the first one, and I



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1 believe it was represented to us that the insulation was  
2 going to be removed off of all of the equipment so that  
3 we could see the equipment.

4 MS. WEINER:

5 I'll just object to the extent that we  
6 said whatever insulation was going to be removed, it  
7 will be removed, and that was the case when you got  
8 there. And that would have been the October 4th or 2nd  
9 or 3rd visit, whatever, that week in October. Because  
10 when you came on the 27th, there was no insulation  
11 removed. The plant had just started shutdown.

12 MS. BARNEY:

13 So then that means the photos were from  
14 the October visit.

15 MS. WEINER:

16 Yeah, October.

17 MS. BARNEY:

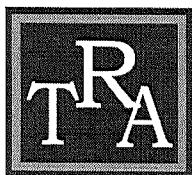
18 Because we weren't up on the scaffolding  
19 in the September...

20 MS. WEINER:

21 Right.

22 MS. BARNEY:

23 Okay. Thank you for that clarification.  
24 (Whereupon, Exhibit No. 11 was marked for  
25 identification.)



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1 BY MS. BARNEY:

2 Q. Okay. I'll show you a picture that we'll mark as  
3 Exhibit 11, and what we may do is mark the group of  
4 photos for this site inspection that we use in the  
5 deposition as Exhibit 11 in globo. We'll just see how  
6 many we end up with.

7 Does that appear to be insulation on some  
8 equipment at issue in this case?

9 A. Yes.

10 Q. And can you tell which piece of equipment that  
11 is?

12 A. No.

13 Q. Okay. Do you know whether or not after  
14 October 4th when we did that second site inspection more  
15 insulation was removed from the equipment at issue  
16 during the turnaround?

17 A. I don't recall. I don't know.

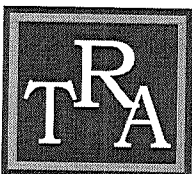
18 Q. Okay.

19 A. I really don't know.

20 Q. In order to really inspect the exterior of the  
21 vessels, you would have to remove the insulation; is  
22 that right?

23 A. Yeah, yeah. In order to see the vessel itself,  
24 you would have to get it off, yeah.

25 Q. So at some point during y'all's cold shutdown



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1 during the turnaround again -- well, let's just say the  
2 turnaround in October 2013 -- was all of the insulation  
3 removed from the equipment at issue?

4 A. No.

5 Q. Why not?

6 A. There was no reason to remove all of the  
7 insulation from the equipment. We only needed to remove  
8 insulation that was in the area -- in the areas needed  
9 to expose the equipment so that we could inspect for  
10 leaks, and that was not just all over the equipment. It  
11 was in specific areas due to -- where certain weld  
12 connections were made and that kind of stuff.

13 Q. Okay.

14 A. So there was no reason to strip the whole thing.

15 Q. Unless you wanted to inspect the whole vessel as  
16 part of this turnaround?

17 A. No.

18 Q. Well...

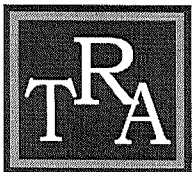
19 A. That's not true.

20 Q. Okay. In order to inspect the exterior of the  
21 whole vessel, you would have to get all of the  
22 insulation off of it?

23 A. Yeah. That is correct.

24 Q. And that was not the goal of the turnaround?

25 A. No.



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1 Q. So in the turnaround, y'all removed insulation  
2 from areas where you believed you had a leak source?

3 A. Correct. And as it turned out, we were -- we  
4 were correct in making those assumptions.

5 Q. But you don't know the condition of the vessels  
6 underneath the insulation that you didn't remove during  
7 the turnaround?

8 A. I wouldn't say that. Some of it was inspected  
9 internally. So you can do UT fitnesses from the inside.

10 Q. Okay.

11 A. I just don't know what all was done, but -- so I  
12 wouldn't -- I wouldn't answer yes to that.

13 Q. Okay. So you're basing your assessment on the  
14 visible leaks after you started back up in terms of your  
15 success rate?

16 A. Yes. Yeah.

17 Q. Okay. I believe you testified earlier that --  
18 well, strike that. We'll just go through the pictures.

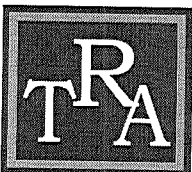
19 Does this appear to be the underneath of the  
20 third pass duct on a piece of equipment at issue?

21 A. I don't know.

22 Q. All right. Yeah, I guess it's too up-close for  
23 it.

24 A. It could be.

25 Q. Do you see sulfates in this photograph?



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1 A. I do, yes.

2 Q. And which color are they? They're the kind of  
3 light gray looking...

4 A. Well, I don't know if I do see sulfates. That  
5 could be insulation. Actually, I don't think that's  
6 sulfates.

7 Q. Okay. It's either sulfates or insulation?

8 A. Yeah. One of the two.

9 Q. All right. That will be Photo No. 2 behind  
10 Exhibit 11.

11 This will be Photo 3 behind Exhibit 11.

12 Do you see any sulfates in that photograph?

13 A. There appears to be sulfates here. This must  
14 be --

15 Q. What color --

16 A. This must be on the converter.

17 Q. Maybe top of third pass duct?

18 A. Yeah.

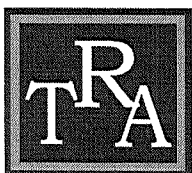
19 Q. Okay.

20 A. That's on the converter.

21 Q. All right. All right. This will be Photo No. 4  
22 behind Exhibit 11.

23 Do you see a metal box of the kind we've been  
24 discussing that is attached to the superheater?

25 A. Yes.



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1 Q. And that would be a metal box that's aimed at a  
2 leak on the superheater? Is that why it would be there?

3 A. That's why it would be there.

4 Q. Do you know whether any repairs to the  
5 superheater were done during the turnaround?

6 A. Repairs were not done to the superheater during  
7 the turnaround.

8 Q. Okay. So this leak that is being addressed by  
9 the metal box in this photo is still occurring?

10 A. No.

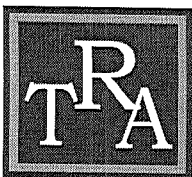
11 Q. What happened to that leak?

12 A. Apparently, it sulfated up. We spent probably  
13 easily two full shifts inside the superheater searching  
14 for a very small leak. The leak on the superheater has  
15 always been very small, very, very manageable. We spent  
16 almost two shifts in there trying to find that leak and  
17 never found it with the intent of doing a weld repair  
18 and finally just gave up. We just -- we had looked  
19 everywhere we could look and started back up and we  
20 don't have a leak. Apparently, the leak sulfated up,  
21 which is not usual. That can happen.

22 Q. Okay. So the sulfates built up at the leak point  
23 and plugged the hole?

24 A. Uh-huh. Right.

25 Q. Why do sulfates form when you have a gas leak; do



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1 you know?

2 A. My understanding is that the acid to atmosphere  
3 interface, the moisture interface creates sulfates.

4 Q. Okay. We'll mark this as No. 5 to Exhibit 11.

5 On this photo, do you see a vacuum manifold and  
6 PVC pipe attached to it?

7 A. Yes, I do.

8 Q. About where on the photograph is that?

9 A. That's all of these black things standing up and  
10 that's the header.

11 Q. Okay. So the black things are the vacuum  
12 manifold?

13 A. That's the manifold that you can connect.

14 Q. PVC to?

15 A. Yeah. Or hoses.

16 Q. Then the PVC goes down and connects to the black  
17 plastic hose that we talked about earlier?

18 A. No. No. No.

19 Q. Okay.

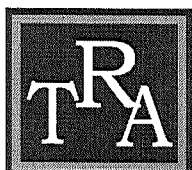
20 A. Where it goes down right here (indicating)...

21 Q. Where the white PVC goes down?

22 A. Yeah.

23 Q. Okay.

24 A. This actually goes back to the dry tower or the  
25 stripper tower --



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1 Q. Okay. The vacuum?

2 A. -- to provide the source of vacuum to these  
3 points.

4 Q. To the black points on the picture?

5 A. Yes.

6 Q. All right. This Photo No. 6 in this exhibit, are  
7 those welding flakes on the ground?

8 MS. WEINER:

9 Welding flakes?

10 THE WITNESS:

11 Say again.

12 BY MS. BARNEY:

13 Q. Welding flakes.

14 A. Welding flakes? I don't know what a welding  
15 flake is.

16 Q. Okay.

17 A. Welding flakes?

18 Q. I think that's what my notes said, but if it  
19 doesn't mean anything to you, that's okay.

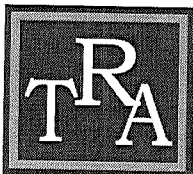
20 A. No. I don't know what that is.

21 Can I look again to see what you're referring to?

22 I don't know.

23 Q. Okay. This will be Photo No. 7.

24 Can you identify in this photo where the exit  
25 first pass is? That would be on the converter; right?



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1 A. Yeah. Yes, I can.

2 Q. The converter in this photo is the big white  
3 cylinder thing, kind of in the --

4 A. No.

5 Q. Okay. You tell me.

6 A. The converter is in the background.

7 Q. All right.

8 A. And the first pass exit, you barely -- you really  
9 can only see it if you know where it is. It's right  
10 here (indicating).

11 Q. So for the record, there's three sort of  
12 cylinder-looking things in the photo. One is higher  
13 than the rest and in the background, like you said, and  
14 it's sort of silver?

15 A. Correct.

16 Q. That's the converter?

17 A. Correct.

18 Q. Okay. And then you were pointing to an area...

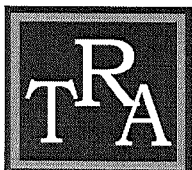
19 A. Upper right-hand quadrant of it, if you want to  
20 call it that.

21 Q. Okay. And that's where the first pass exit is?

22 A. Exit, yes.

23 Q. Okay. All right. We'll mark this as Photo  
24 No. 8.

25 Do you see sulfates in that photo?



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1 A. Yes.

2 Q. Are they kind of green in appearance?

3 A. Yes. There's some sulfates back here on this  
4 little deal. I'm just trying to imagine where that is,  
5 visualize where it is.

6 Q. Could that be the top of a duct?

7 A. It's the top of one of them. I just can't...  
8 Yeah, yeah.

9 Q. Okay. I'll show you No. 9 to this exhibit. What  
10 does that look like to you, No. 9? Does it look like an  
11 area of thinning wall on a vessel?

12 A. No.

13 Q. That's not what it looks like to you?

14 A. No.

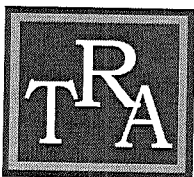
15 Q. What does it look like to you?

16 A. Looks like an area that needs a little bit of  
17 sandblasting and painting. I don't see -- there's no  
18 way you can visually look at something and tell whether  
19 a wall is thinning.

20 I think that's the way the picture goes right  
21 there, by the way. I think. This doesn't make sense to  
22 me, but that does.

23 Q. All right. With the little protruding parts at  
24 the top?

25 A. Correct. I think that's underneath one of the



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1 flanges on the converter.

2 Q. All right. That's all for the hardcopy photos.

3 Just see if we can click through these quickly.  
4 These are photos that were taken with a different camera  
5 at some of the site inspections. I think we'll end up  
6 seeing photos from both site inspections if we go  
7 through all of these photos. I can tell you right now I  
8 think there's 300 in this folder, so we'll probably  
9 click fast or not cover them all or just go as we can;  
10 okay?

11 A. Okay.

12 Q. This one is File No. 2, which I think would have  
13 been -- that's how it would be labeled on the disk that  
14 you got from the site inspection photos, so we'll just  
15 refer to it as Photo No. 2.

16 MS. WEINER:

17 And these photos that you are asking  
18 about now were ones taking by the plaintiff; right?

19 MS. BARNEY:

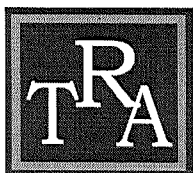
20 Right. At -- this would have been the  
21 September site inspection, I think.

22 MS. WEINER:

23 Okay.

24 THE WITNESS:

25 The ones taken by yourself and Jeff?



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1 MS. BARNEY:

2 Mr. Simoneaux or people in this group,  
3 either the expert or me, whoever was holding the camera  
4 at the time. Taken on behalf of Mr. Simoneaux, I guess  
5 I should say.

6 THE WITNESS:

7 Okay.

8 BY MS. BARNEY:

9 Q. In Photo No. 2, we're looking at -- what's the  
10 big cylinder item that kind of has a rusty color?

11 A. The converter.

12 Q. And then the -- that's a black plastic hose going  
13 across in the sky from the converter kind of on the  
14 right to the metal ductwork-looking items on the left?

15 A. Correct.

16 Q. So that's one of those black plastic hoses we've  
17 been talking about?

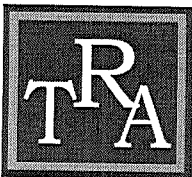
18 A. Correct.

19 Q. And the photos -- we may see a lot of that, so  
20 I'm just trying to -- all right.

21 This Photo No. 3 would be another shot of the  
22 converter with the black plastic hoses kind of going  
23 across the middle of the photo?

24 A. Yes, correct.

25 Q. All right. Over here towards -- over here sort



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1 of on the right there's an area where there's a red  
2 pipe-looking thing. Is that there to support the black  
3 plastic hose?

4 A. It was used to support it. That's not what it's  
5 there for.

6 Q. Does it have any other use right now?

7 A. Absolutely.

8 Q. Okay.

9 A. That's the stay rod for that first pass exit  
10 duct.

11 Q. Okay. All right.

12 A. Yeah. There's an engineering reason for that to  
13 be there.

14 Q. And then it's also serving to hold up -- to keep  
15 that black plastic hose from dipping right there?

16 A. Correct.

17 Q. All right. Photo No. 4 shows similar black hose  
18 converter?

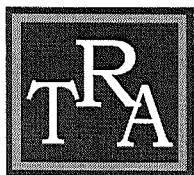
19 A. Correct.

20 Q. Photo No. 5 is an area on the ground near the  
21 converter; is that right?

22 A. That's correct.

23 Q. And there's a yellow tube that provides AC to the  
24 workers in the middle?

25 A. Correct.



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1 Q. I'm going to click through these, but I guess for  
2 the record, you're going to glance at all of them, but  
3 if we stop and talk about one, it will be on the record.

4 No. 7 shows some black hoses kind of among the  
5 equipment in the middle; is that right?

6 A. That's correct.

7 Q. No. 8 is a blue barrel. Those blue barrels, this  
8 one may or may not be in service, but they were there to  
9 collect acid that collects in the bottom of the black  
10 plastic hoses; is that right?

11 A. Actually, I think that one is just a trash can,  
12 but yeah, there are some blue barrels that...

13 Q. Okay. We'll keep going.

14 Did you need to look at No. 9?

15 A. No, I'm fine.

16 Q. Okay. Photo No. 10, can you tell me what this  
17 device is that looks like a red thing hanging.

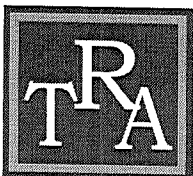
18 A. Yeah. That's a retractable lifeline.

19 Q. Okay. And these are just showing -- you can see  
20 the black plastic hoses in some of these photos. We're  
21 now on No. 11.

22 No. 12 shows a black plastic hose kind of going  
23 underneath this silver thing called the ductwork?

24 A. It is ductwork.

25 Q. What is that ductwork attached to?



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1 A. I can't tell.

2 Q. You can't tell without being next to it?

3 A. Yeah.

4 Q. All right. If you want to be able to sit down --

5 A. I just can't get the right angle here.

6 Q. Yeah.

7 No. 17 shows some kind of either gas or steam  
8 coming out of the site. Was this during the  
9 blow-through where they might have been clearing the  
10 pipes or do you know what the source of that is?

11 A. It look like it's coming out the vent, and that  
12 vent looks like the vent on the condensate pot. So, I  
13 mean, if that is the case, that's steam.

14 Q. All right. 18 is black hose.

15 19, there's some black corrugated hose, and then  
16 there's duct tape around it?

17 A. Yeah. I can't tell what's happening right there.  
18 It's tying into something.

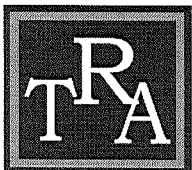
19 Q. Okay.

20 A. I just don't know what it is.

21 Q. And so when the black plastic hose needs to be  
22 tied into something, do y'all use duct tape sometimes to  
23 do that?

24 A. Not usual.

25 Q. This Photo No. 20 just has black hose kind of



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1 through the center of it as you can see in the -- kind  
2 of traversing the equipment here, here, here  
3 (indicating), kind of various heights in the middle of  
4 that photo?

5 A. Yeah. I'm just trying to picture where we are  
6 now. Now I think we got it. We're looking south.

7 Q. This is the converter on the right.

8 A. Yeah, we're looking south.

9 Q. Okay. We're skipping through the -- the black  
10 hose that we see in these pictures is the black plastic  
11 hose we've been talking about; right?

12 A. That is correct.

13 Q. On No. 24 there is a metal box that's placed up  
14 against a black plastic hose.

15 A. Uh-huh.

16 Q. That's one of the metal boxes that you've been  
17 talking about?

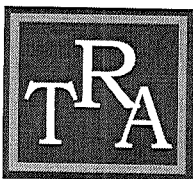
18 A. No. That is actually a low-point drain so that  
19 the hoses don't fill up with liquid and cause a trap.

20 Q. All right. So that's one of the drain -- would  
21 you call that a box?

22 A. Yes.

23 Q. Drain box. It's got a tube coming out the  
24 bottom. And that's the tube that runs down to a drum --

25 A. Correct.



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1 Q. -- that collects the acid?

2 A. That's correct.

3 Q. And that was Picture No. 24.

4 That's another picture of the same thing.

5 A. I think it's the same one.

6 Q. Okay. That's 25.

7 Pictures 26, 27, 28, is this just a piece of that  
8 black hose laying on top of a piece of equipment?

9 A. Uh-huh.

10 Q. Photo 31 is black hoses kind of running through  
11 the middle of the picture and then it's got a box with  
12 the drain for the acid?

13 A. Yes, that's correct.

14 Q. Picture 32, I'll skip. That looks like we've got  
15 better shot of the drum.

16 Okay. Picture 35 is a close-up of the drum  
17 receiving -- that's designed to receive the acid --

18 A. Correct.

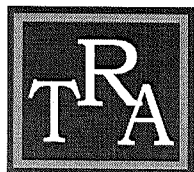
19 Q. -- that's coming down the tube from the black  
20 plastic hose; is that right?

21 A. Yes.

22 Q. And I say design. That's y'all's design; right?

23 A. That's correct.

24 Q. Was this part of the design that you came up with  
25 or who came up with the drum system?



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1 A. I don't know.

2 Q. Okay.

3 A. Wasn't me.

4 Q. Have you ever seen that used at any other DuPont  
5 acid plant, the drum part of this?

6 A. No, I haven't.

7 Q. Do you know whether that's been used at any other  
8 DuPont acid plant?

9 A. I don't know.

10 Q. Okay. Picture 36 is just another shot of the  
11 drum from a little bit further away and you can see the  
12 red tube going up. Is that the tube we've been saying  
13 carries the acid from the black plastic to the blue  
14 drum?

15 A. That appears to be it, yes.

16 Q. Okay.

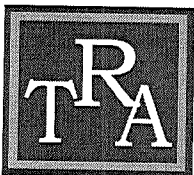
17 A. And I say it appears to be because typically our  
18 air hoses are red. I'm just wondering if it's something  
19 behind the drum that we're looking at.

20 Q. Okay.

21 A. I don't know.

22 Q. Is there a special color that you usually see  
23 carrying the acid from the black plastic hose to the  
24 drum?

25 A. No, not that I'm aware of.



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1 Q. 38 is showing a connection between the white PVC  
2 section of hose and the black corrugated section of  
3 hose; is that right? Is that sort of a junction?

4 A. That's correct.

5 Q. And that would be duct tape right there attaching  
6 the two?

7 A. That's correct.

8 Q. 38 and 39 -- I'm sorry 39 and 40 are just more  
9 black hose pictures.

10 41 is a connection between the black hose and the  
11 PVC; right?

12 A. Correct.

13 Q. That one doesn't have any duct tape. Is there  
14 any reason why some would have duct tape and others --

15 A. It has black tape on it.

16 Q. Okay.

17 A. Yeah.

18 Q. 43 is a placard for sulfur trioxide. I think it  
19 says "Inhalation Hazard". Is that your understand is  
20 that it's a insulation [sic] hazard?

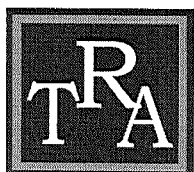
21 MS. WIENER:

22 Inhalation.

23 THE WITNESS:

24 Inhalation. Inhalation hazard, yes.

25 MS. BARNEY:



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1 Okay. Thank you. I misspoke.

2 BY MS. BARNEY:

3 Q. I'm just clicking through here. Photo 49 is a  
4 notice about PPE that's required in this area and it  
5 says personal protect equipment required is a hard hat,  
6 safety glasses, side shield and safety shoes. It  
7 doesn't say -- and ear protection. It doesn't say that  
8 the employees have to wear a face shield or an acid  
9 suit; right?

10 A. That's correct, because it's not required.

11 Q. By y'all at DuPont, as far as you know?

12 A. Correct.

13 Q. Okay.

14 A. Who else would it be required by?

15 Q. I just didn't know if you're speaking to, like, a  
16 legal issue.

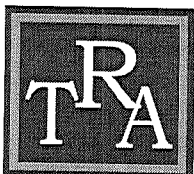
17 A. Oh, no.

18 Q. All right. This sign on Photo 50, "Hazardous  
19 Waste Satellite Accumulation Area," is that what they  
20 call the drums, a satellite accumulation?

21 A. That's correct, yes.

22 Q. And so this is -- who's this "Check for leaks and  
23 spills. Keep closed"? Who is that directed to? Just  
24 anybody that's in the area?

25 A. Yeah. Anybody in the area should visually, but



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1 it's mainly for the guys that take the drums and swap  
2 them out.

3 Q. And who are they?

4 A. That's the KBR personnel. That sign is what they  
5 call a RCRA requirement, Resource Conservation Recovery  
6 Act.

7 Q. What is identified in Photo 52? Is that the  
8 stack?

9 A. Yeah.

10 Q. Why does it say stack?

11 A. That's what it is.

12 Q. Okay.

13 A. I don't know what Mr. Simoneaux is trying to  
14 point out there. I don't know. I don't have a clue.

15 Q. And he may not have actually shot that picture,  
16 so...

17 Page 56, that's the fat tower?

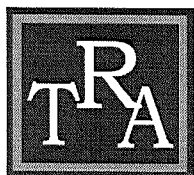
18 A. Yeah. I don't understand some of these photos.

19 Q. Well, you don't have to read anything into it.  
20 It's just documented photographs taken by one of us at  
21 the site.

22 Okay. Photo starting at 66, this is sort of a  
23 stock pile of new, black corrugated hose at the site?

24 A. Yes.

25 Q. 67 is the same thing from a little bit further



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1 away; is that right?

2 A. That's correct, but I don't know what they're  
3 there for.

4 Q. They're not supposed to be in that location?

5 A. I don't -- I'm not sure I know where that is.

6 Okay. That's just down from walking down the  
7 road on the left past --

8 Q. I think that would be right but --

9 A. And the reason I say that, I mean, I'm assuming  
10 this is when we were going into the shutdown?

11 MS. WEINER:

12 Yes.

13 THE WITNESS:

14 Like September timeframe.

15 MS. WEINER:

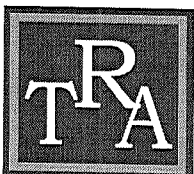
16 It was. Late September.

17 THE WITNESS:

18 One of the contractors that comes in  
19 there and does a significant amount of work for us  
20 during shutdowns, they use these hoses extensively so I  
21 don't know if these are some that they brought in for  
22 their use during the shutdown or some that we had  
23 stockpiled for our use for gas leaks.

24 MS. BARNEY:

25 Okay.



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1 THE WITNESS:

2 I don't know. That looks like remnants.

3 BY MS. BARNEY:

4 Q. Okay. And that's Picture 69 where maybe some  
5 hose sections were installed and these are the leftover  
6 pieces --

7 A. Correct.

8 Q. -- they didn't need?

9 A. That's correct.

10 Q. Is that why there would be duct tape connecting  
11 two of them together where they had to run a tube or  
12 something like that?

13 A. I don't know. Maybe so.

14 Q. Okay. If you look at Photo 75, is that green  
15 hose the kind of -- do you know what they use that for?  
16 Is that sometimes used to carry the acid down to the  
17 drums or do you know?

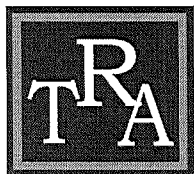
18 A. Not that I'm aware of.

19 Q. Okay.

20 A. That's an awful large hose for that to be used  
21 for that purpose.

22 Q. Okay. Page 80 -- I'm sorry, Photograph 80, these  
23 appear to be photographs -- I think some contents of a  
24 bin. Is that --

25 MS. WEINER:



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1 A dumpster.

2 MS. BARNEY:

3 Yeah, a dumpster.

4 THE WITNESS:

5 Yeah.

6 BY MS. BARNEY:

7 Q. The metal in this picture, does that look like  
8 the metal flexible hose you were talking about earlier?

9 A. Yes.

10 Q. But this one has been through use already and  
11 it's in the dumpster; right?

12 A. That's correct.

13 Q. Do you know what would make it separate like  
14 that?

15 A. Acid corrosion.

16 Q. Okay. What about the black opening to a hose on  
17 the left; does that look like a black corrugated -- end  
18 of black corrugated hose?

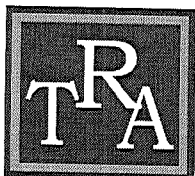
19 A. Not really.

20 Q. Okay. It's hard to see. You're only looking at  
21 the mouth of something.

22 A. Yeah. It looks more like an insert or something  
23 that's used.

24 Q. Okay.

25 A. Like a metal insert.



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1 Q. Okay. What does the black in the inside of it  
2 look like?

3 A. Just contaminants of some kind, sulfates,  
4 whatever, you know.

5 Q. I'm just clicking through photos. We're on 89  
6 for the record.

7 Photo 90, this is just spent hose material?

8 A. Yes. Yes.

9 Q. And then 92, this is a lot of PVC pipe. Do you  
10 know why that's in this location?

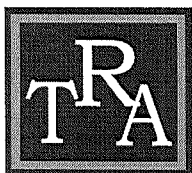
11 A. That is some PVC pipe that we took out from  
12 another area of the plant. We removed it from the pipe  
13 racks and put it on this trailer for -- in case we  
14 needed it for future use.

15 Q. Photo 93, does that look like the duct tape  
16 that's used to be installed on a black plastic hose  
17 connection?

18 A. No.

19 Q. What do you think that looks like?

20 A. Remnants of duct tape when they pulled that pipe  
21 out just in case they had residual in it. I have them  
22 put plastic bags on the end and duct tape it so that  
23 when they're coming down with it, it's overhead and it  
24 tilts a little bit. And if somebody is in the area, it  
25 don't spill something on them. That's what that appears



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1 to be to me.

2 Q. All right. I think this is where we transitioned  
3 to the second site inspection because -- at 96 because  
4 these photos -- I think. Let me make sure. These  
5 photos were taken up on scaffolding and so at 96 I think  
6 it's where it starts the second site inspection once we  
7 were up high.

8 96, does that look like insulation on a piece of  
9 equipment?

10 A. Yes.

11 Q. Do you see sulfates in 99, Photograph 99?

12 A. No, not really. I see insulation.

13 Q. Okay. Do you see sulfates in 100 like where this  
14 blue area is or acid dripping?

15 A. Yeah. I'd say that there's some remnants there  
16 of sulfates dripping, running down on the metal.

17 Q. Okay. Do you know what piece of equipment this  
18 is with insulation on it in Photo 103?

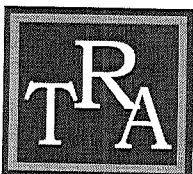
19 A. It appears to be one of the plenums on the HIP or  
20 the CIP. I have no clue which one. One of the upper  
21 plenums.

22 Q. Photo 110, do you see sulfates on that photo?

23 A. Yes. Yes.

24 Q. Same for 109?

25 A. Yes.



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1 Q. Can you tell what 113 is?

2 A. That is a picture of ductwork with a splice band.  
3 I have no clue where, but that's what it is. I see the  
4 splice band. I could tell that it's ductwork and I see  
5 insulation pins.

6 Q. Okay. So that would have been like a prior  
7 repair area?

8 A. No, no. That could have been from the original  
9 installation there.

10 Q. All right. Do you see sulfates on Photo 115?

11 A. Not necessarily, no.

12 Q. What is the green stuff --

13 A. The green discoloration could just be -- what do  
14 they call it? Leeching from the heat.

15 Q. What would be leeching?

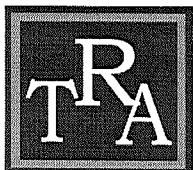
16 A. I don't know which piece of equipment this is.  
17 It depends on whether it was carbon or stainless, but it  
18 can be iron or copper.

19 Q. Does that look like thin metal to you, thin metal  
20 wall, or do you know what thin metal wall looks like?  
21 Does it get that peppered, dimpled appearance?

22 A. No.

23 Q. Okay.

24 A. Again, you really can't look at the next -- look  
25 at the surface of a vessel and tell whether it's thin or



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1 thick.

2 Q. Do you see sulfates on Photo 120?

3 A. Plenty.

4 Q. 121?

5 A. Yes.

6 Q. 122?

7 A. Yes.

8 Q. 123?

9 A. Yes.

10 Q. Can you see sulfates on 124?

11 A. I can't really tell.

12 Q. How about 126?

13 A. Yes.

14 Q. Is the red in these photographs consistent with  
15 dye that's used to try to locate leaks?

16 A. Yes.

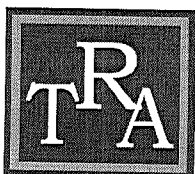
17 Q. Is that what the red has -- the red that we've  
18 seen in these photos, is that what you think it is?

19 A. I think it is the dye that is consistent with  
20 trying to find leaks, yes.

21 Q. Okay. And the one we're looking at now is  
22 No. 127.

23 Who would have been the people to put the dye on  
24 this equipment?

25 A. Either the DuPont or the Acuren personnel, the



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1 people that are qualified to do that.

2 Q. And the dye is applied from the outside and then  
3 smeared off or is it applied from the inside to ooze  
4 out?

5 A. It's applied from the outside and then cleaned  
6 off.

7 Q. And so when they try to wipe it off and it stays,  
8 what does that tell you?

9 A. That don't happen.

10 Q. Then how does it locate the leaks or the pits?

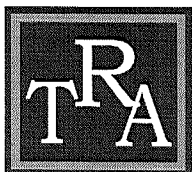
11 A. Actually, the procedure is -- the picture you  
12 took here was right after they had sprayed the dye on  
13 the surface.

14 Q. Okay.

15 A. Okay. The procedure is you have a cleaner that  
16 you spray on the surface and you clean the surface very  
17 thoroughly. After you put the cleaner on it, you put  
18 the dye on it and you let the dye soak and the -- per  
19 the procedure, there's a certain amount of time that you  
20 let it soak. And then you have -- then you come back  
21 with the cleaner and you clean all of the dye back off  
22 literally to where you can't see any dye on it, which is  
23 the step after this photo.

24 Q. Okay.

25 A. Once you've done that, then you come back and you



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1 spray what's called a developer on it and it's  
2 basically -- a developer is kind of -- it's a white  
3 powder almost. When you spray that developer on it, if  
4 there's any cracks pinholes, leaks, et cetera that are  
5 through the wall, then that dye will leech back out of  
6 those cracks.

7 Q. Okay. And absorb into the developer?

8 A. Yeah. And it will show a red line in the  
9 developer or a red dot or whatever it may be, depending  
10 on the shape of the hole or the crack or whatever it is.

11 Q. All right.

12 A. And at that point in that picture, that's just  
13 right after the developer got sprayed on.

14 Q. Do you have any photos of the cracks after the  
15 developer has been applied?

16 A. I think so. I'm not positive, though. I seem to  
17 recall looking at some Thursday, but, again, you should  
18 have them.

19 Q. They may be in that stack?

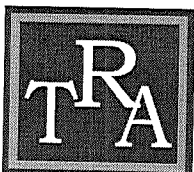
20 A. Yeah. Yeah.

21 Q. All right. Photo 130 would be sulfates; is that  
22 right?

23 A. Yes.

24 Q. Same for 131?

25 A. Yes.



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1 That appears to be insulation to me.

2 Q. That is 132.

3 Sulfates on 135?

4 A. Again, that appears to be insulation to me.

5 Q. Okay.

6 A. Yeah.

7 Remember I told you that picture earlier was  
8 upside down? That looks like it again.

9 Q. Okay.

10 A. I'm not sure what that's supposed to be of.

11 Q. 146 is just a piece of old -- used corrugated  
12 hose?

13 A. Yes.

14 Q. 148 shows the end of an old, used hose and I  
15 guess it has sulfates on it?

16 A. Yeah, it appears to.

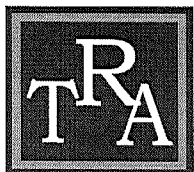
17 Q. 152 shows a metal box and some red stuff like --  
18 almost like red weld. What is that, insulation?

19 A. That's high temperature silicone.

20 Q. So they're trying to seal around this metal box  
21 on Page [sic] 152?

22 A. That's correct. Uh-huh.

23 Q. Do you know why that was there during the  
24 shutdown? Was that something that was done during the  
25 turnaround?



1 A. No. That's remnants of -- from before the  
2 shutdown. That's on the superheater.

3 Q. Okay. This is a box on Photo 155?

4 A. Yeah. I'm not sure where that one is. Kind of  
5 looks like the same one in some way.

6 Q. Do you know which ductwork this is?

7 A. That's -- the one on an angle?

8 Q. On 175. Yeah.

9 A. That's first pass inlet to converter.

10 Q. Okay. I'm just kind of going through these fast  
11 because we don't have a lot of time.

12 A. Uh-huh.

13 Q. 184, do you know which equipment that is in the  
14 center of the picture?

15 A. Can you back up a couple of pictures?

16 Q. I think it's right here.

17 A. That appears to be the east end of the -- no.  
18 That's a different one. You have to go back one.

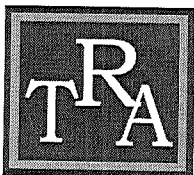
19 Q. Okay. So 183 --

20 A. That one appears to be the east end of the HIP,  
21 top plenum.

22 Q. And 184?

23 A. That appears to be the east end of the CIP, top  
24 plenum.

25 Q. Does it appear to still have insulation on it?



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1 A. Yes.

2 Q. 188, that is a replacement piece?

3 A. That is the first pass exit transition that was  
4 going to be replaced on the converter.

5 Q. And was that done during the turnaround?

6 A. It was not.

7 Q. Do you know why?

8 A. Yes.

9 Q. Why?

10 A. Because as we got into the converter clear-up and  
11 repair and got the insulation stripped off and got it  
12 sandblasted so that we could actually see what we were  
13 up against. As it turned out, the shell of the  
14 converter itself was deformed in such a way that it was  
15 not possible to put this new transition piece in in a  
16 quality manner.

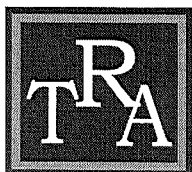
17 Q. Okay. Is that equipment shown in Photo 188 still  
18 at the site?

19 A. Yes, it is.

20 Q. So some day it may be used when there's a  
21 replacement or --

22 A. That's correct.

23 In fact, we've since the shutdown paid a  
24 contractor to come in and heat cure that refractory that  
25 you see inside, that gray-looking stuff, that's kind of



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1     like a cement.

2         Q.   This equipment in Photo 190, what is that?

3         A.   That's just an extension of that first pass  
4     transition that you were looking at.

5         Q.   So it wasn't used, either?

6         A.   Correct.  That's an expansion joint in that  
7     system.

8         Q.   195, that would be spent hose in a dumpster at  
9     the site, corrugated black plastic hose?

10        A.   Correct.

11        Q.   And there's some that looks like it was corroded  
12   and sort of disformed; is that right?

13        A.   Yes.

14        Q.   And then the right side of Photo 195 shows a  
15   bunch of sulfates on --

16        A.   Looks like sheet metal.

17        Q.   -- sheet metal maybe from a sheet metal box or  
18   something?

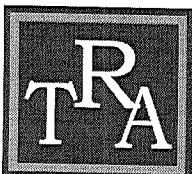
19        A.   Probably.

20        Q.   So 198 is still spent hose.

21            199 shows a melted down piece of corrugated black  
22   hose; is that right?

23        A.   It appears to be.

24        Q.   And in the opening of that would be what?  What  
25   do you call that, just buildup sulfates?



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1 A. I think it's just melted hose.

2 Q. Okay.

3 A. I call it pluggage.

4 Q. And that's the stuff that blocks the vacuum?

5 A. It can, yes.

6 Q. And that's Photo 199.

7 200 is a piece of metal hose that's sort of  
8 corroded?

9 A. Yes.

10 Q. 201 appears to be a little piece of hose with a  
11 hole in it, maybe?

12 A. It appears to be.

13 Q. And then 202 is spent hose again; right? With  
14 various duct tape on it; is that right?

15 A. That's correct.

16 Q. Okay. And then the spent hose pictures continue.  
17 We're on 207.

18 208, you see some sort of corroded hose in the  
19 center there; right?

20 A. Correct.

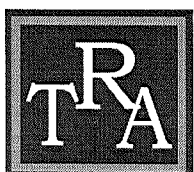
21 Q. Same for 210, I guess?

22 A. Yeah, I see something there.

23 Q. 213, sulfates on a metal sheet metal?

24 A. Yes.

25 Q. And 214 is another plugged end of a melted down



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1 hose towards the left of the picture?

2 A. Yes.

3 Q. Same for 215. It might be in the same room. I'm  
4 not sure.

5 216, same thing; right?

6 A. Yes. Actually, what that is is melted down PVC.

7 Q. That was inside of the black hose where they  
8 joined?

9 A. That piece right there is PVC.

10 Q. In 217?

11 A. Yeah. That's PVC, rather than black corrugated  
12 hose.

13 Q. Okay. 220 is more melted down hose?

14 A. Looks like the same one.

15 Q. Okay. I'm just clicking through. We're at 236.  
16 That's sheet metal insulation material or sheet metal  
17 that goes over insulation on various equipment?

18 A. Correct.

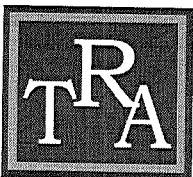
19 Q. Okay. 239 shows that sheet metal with a lot of  
20 sulfates on it; right?

21 A. Yeah. There's some sulfates there.

22 Q. Photo 266 is just black corrugated hose with some  
23 sulfates, I guess?

24 A. Black corrugated and stainless metal hose.

25 Q. Okay. I'm clicking through these. We're at 275.



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1 That's a lot of sulfates on a big piece of metal; is  
2 that it on Photo 276?

3 A. Yeah, it appears to be. Piece of sheet metal.

4 Q. Do you know where any of this stuff came from?  
5 Can you tell which equipment?

6 A. Specifically, no.

7 Q. Okay.

8 A. The majority of it would have come from the HIP,  
9 CIP and converter, though.

10 Q. 294, is that an area where there was a tie-in?  
11 Does it look like an old area of hose where there was a  
12 tie-in?

13 A. Looks like a T there for some reason. Yes.

14 Q. It shows corrosion, I guess?

15 A. That's correct.

16 Q. Do you know how often those bins that we've been  
17 looking at in these photos were hauled away?

18 A. How often?

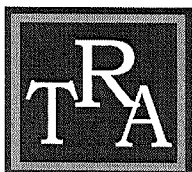
19 Q. Yes. You know those big, red bins that the --

20 MS. WEINER:

21 I'm going to object because we've  
22 already established those particular bins -- those hoses  
23 have been maintained. They haven't been --

24 THE WITNESS:

25 Correct, they're there.



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1 MS. WEINER:

2 They're there.

3 MS. BARNEY:

4 Okay. So those are the same hoses from  
5 the site inspection?

6 MS. WEINER:

7 The same hoses that you took pictures of  
8 are still on site.

9 MS. BARNEY:

10 Okay.

11 BY MS. BARNEY:

12 Q. Before that, I guess my question is, did you use  
13 those bins to store the spent hose over the last, you  
14 know, two years?

15 A. Sure.

16 Q. And then how often would those bins get emptied  
17 out up until the time of this inspection?

18 A. I don't know.

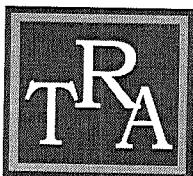
19 Q. About, like?

20 A. I really don't know.

21 Q. Who would know that?

22 A. Again, we could go back to our provider of the  
23 dumpsters and they could tell us how often they come  
24 pick up.

25 Q. Okay. Or the financial records that pay them?



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1 A. It may.

2 Q. All right.

3 A. We're getting close; right?

4 Q. Yeah, we are.

5 A. What's cutoff?

6 MS. BARNEY:

7 The HIP and CIP welding scope, can we  
8 look at that next?

9 MS. WEINER:

10 Yes.

11 MS. BARNEY:

12 For the record, I will attach a CD of  
13 the site inspection photos that we just looked at on the  
14 computer which were numbered 1 or 2. Actually, it  
15 started with 2 through 318. I will provide you with a  
16 disk of those if that's okay.

17 MS. WEINER:

18 Sure.

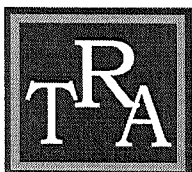
19 MS. BARNEY:

20 As Exhibit 12 to Mr. Clemons'  
21 deposition.

22 (Whereupon, Exhibit No. 12 was marked for  
23 identification.)

24 MS. BARNEY:

25 We will now mark as Exhibit 13 the HIP



1 and CIP welding scope.

2 (Whereupon, Exhibit No. 13 was marked for  
3 identification.)

4 MS. WEINER:

5 Which I believe you have a copy of.

6 BY MS. BARNEY:

7 Q. Have you seen a copy of that before, Mr. Clemons?

8 A. Yep, I have.

9 MS. WEINER:

10 Let me state for the record that these  
11 were produced without Bates numbers on them. I have a  
12 new set of the photographs that DuPont produced and this  
13 welding scope so the welding scope now has a Bates  
14 number of DSF 1407 through 1412.

15 MS. BARNEY:

16 Okay.

17 BY MS. BARNEY:

18 Q. Who prepared this report?

19 A. Ivy Albares.

20 Q. And he is a DuPont employee?

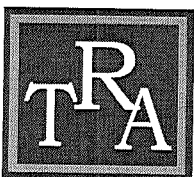
21 A. Yes, he is.

22 Q. He is a welder by trade; is that right?

23 A. No.

24 Q. What is his background?

25 A. His job title is site quality assurance



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1 inspector.

2 Q. Okay.

3 A. His background is he started off in operations,  
4 then went to maintenance, then he started and got  
5 involved in the inspection process, went to various  
6 trainings and certifications and all. That's how --

7 Q. He was an operator --

8 A. Initially.

9 Q. -- at the plant up until 2010 or so?

10 A. He was in maintenance when I got there in '09 so  
11 it had to have been before then.

12 Q. All right.

13 A. I'm not sure when he transferred over.

14 Q. What was the purpose of this scope; do you know?

15 A. Well, it was to try and confirm what type repairs  
16 we needed to do during our shutdown in 2013.

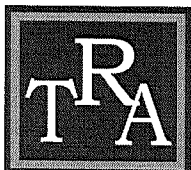
17 Q. So this was done in the beginning of the  
18 shutdown?

19 A. This was done as early as we could do it after  
20 the majority of the cleaning was done, insulation  
21 stripping and the cleaning. There was a lot of cleaning  
22 that had to take place to get us to this point.

23 Q. What had to be cleaned?

24 A. Sulfates. Both inside and out.

25 Q. All right. So this was done to look at areas



1 that were going to be repaired?

2 A. Uh-huh.

3 Q. Okay. So the first one, bottom plenum CIP.

4 A. Uh-huh.

5 Q. It says, "Clean wet sulfates between exchangers  
6 bottoms."

7 A. Uh-huh.

8 Q. What does that mean? Does that mean VIP is going  
9 to do that work or VIP noticed this problem? What does  
10 the little red VIP mean right there; do you know?

11 A. I think Ivy was trying to identify the  
12 responsible --

13 Q. Person?

14 A. -- person or group.

15 Q. Okay. Group.

16 And so is he saying, can you tell, that they are  
17 to clean the wet sulfates between exchangers? Is that  
18 the work involved in that first picture or is there more  
19 work there?

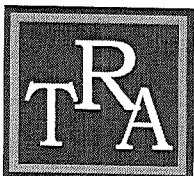
20 A. Yeah. There's more work there, but his note --

21 Q. Is that a hole, basically?

22 A. That is a hole.

23 Q. Okay. And so --

24 A. So you've got to get those sulfates out of there  
25 so that we can make that repair.



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1 Q. Okay.

2 A. And VIP actually made the repair as well.

3 Q. All right. And what piece of equipment is that?  
4 That is the bottom plenum of the CIP?

5 A. No. That hole you're looking at there is  
6 actually on the center exchanger or center section of  
7 the CIP heat exchanger.

8 Q. Okay.

9 A. I know that means a lot to you, but that's what  
10 it is.

11 Q. All right. And so y'all identified that as a  
12 contributor to the leaks?

13 A. Yes.

14 Q. And this is Bates Page 1407. Okay. Just saying  
15 that for the record.

16 A. Sure.

17 Q. All right. The next photo on Page 1407 at the  
18 bottom, it says, "Grind out existing weld and reweld."

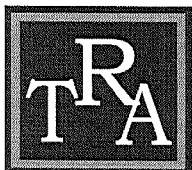
19 Was that an area of prior repair, does it look  
20 like?

21 A. No.

22 Q. So that was maybe the original weld?

23 A. Correct.

24 Q. And all of the little holes in it suggests that  
25 it's failed and needs repair?



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1 A. No. That's not holes you see there.

2 Q. Okay. I'm looking at the middle of the picture,  
3 the second picture.

4 A. Yeah. That's actually the weld, but what you see  
5 there, I don't believe it's holes.

6 Q. I'm just trying to describe it for the record so  
7 if there's a way for you to describe that.

8 A. I think what we're actually looking at here is  
9 inside the exchanger.

10 Q. Okay.

11 A. So I'm not evening convinced at this point  
12 without doing a little more research here that a leak  
13 there would actually leak gas to atmosphere.

14 Q. Okay.

15 A. I don't think it would.

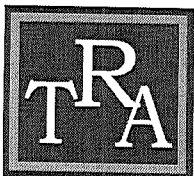
16 Q. All right.

17 A. They see some -- apparently, they saw some type  
18 of an imperfection in this weld for them to state that  
19 we ought to grind it out and reweld it, but I don't know  
20 what it is.

21 Q. Do you know whether they grounded it out and  
22 rewelded it?

23 A. I believe it got repaired.

24 Q. Second page, Bates 1408, and it says, "Top plenum  
25 dye check the crack and check externally for penetrant."



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1           So they've identified a crack inside of that  
2 yellow circle in the top photo on that page; is that  
3 right?

4           A. Yeah. Apparently, that's being done from the  
5 inside of the CIP. Okay?

6           Q. Uh-huh.

7           A. So he's saying in this case to dye pin it from  
8 the inside and go outside, buff it down and put a  
9 developer on the outside and see if you can pull the  
10 penetrant all the way through from inside to out.

11          Q. And do you know whether they were able to do  
12 that?

13          A. I don't believe that ended up being a leak.

14          Q. And how --

15          A. I don't recall having those discussions around --  
16 I think if they would have pulled penetrant from the  
17 inside to out, I would have heard about that.

18          Q. And you didn't?

19          A. And I didn't.

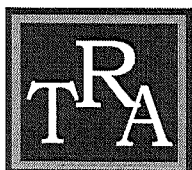
20          Q. Is there any report after this that confirms what  
21 was done?

22          A. Yes, there is.

23          Q. What report is that?

24          A. I thought it was in this stack.

25                 MS. WEINER:



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1 The Acuren report?

2 THE WITNESS:

3 No. It's actually a -- it's a folder  
4 that says -- I think it says after repairs. It's there.  
5 I mean, I know it's there.

6 MS. WEINER:

7 Another group of documents -- pictures  
8 like this?

9 THE WITNESS:

10 Yeah. Yeah.

11 MS. BARNEY:

12 We may need to --

13 THE WITNESS:

14 Actually, the folder that I saw was not  
15 a Word document like this one. This is a Word document  
16 with just pictures pasted there and it was actually a  
17 folder that had JPEGs in it, pictures.

18 MS. WEINER:

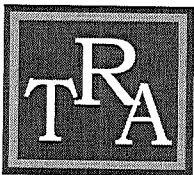
19 Okay.

20 THE WITNESS:

21 Like this repair here, it's a very good  
22 picture of the end result of the repair in that folder.

23 BY MS. BARNEY:

24 Q. And that's Bates Page 1409, I think you're  
25 referring to.



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1 A. Uh-huh.

2 Q. We don't -- for the record, I don't think we have  
3 that folder. I don't think Monique does, either, so...

4 THE WITNESS:

5 I'll bet you do.

6 MS. WEINER:

7 I don't know that to be true at this  
8 point.

9 MS. BARNEY:

10 All right. And I guess I'll just --  
11 while we all would like to be finished with depositions,  
12 I'll just reserve the right if we need to depose  
13 Mr. Clemons to get that. I may ask you.

14 BY MS. BARNEY:

15 Q. Second picture on Page 1408, UT bulge area, do  
16 you know what that is, the second page, second photo?

17 A. I don't know exactly where that was. It appears  
18 to be inside.

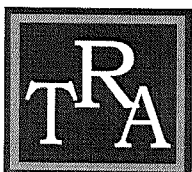
19 Q. Okay. 1409, third page of that stack, north  
20 horizontal CIP, that's -- instruction is to weld the  
21 plenum hole from the inside; is that right?

22 A. That's correct.

23 Q. And that's the hole in the center of that photo?

24 A. That's correct.

25 Q. And --



1 A. We actually didn't do that. We welded it from  
2 the outside.

3 Q. All right.

4 A. And there are pictures of that repair as well and  
5 it was successful.

6 Q. Well, that hole is, what would you say, about at  
7 least 12 inches across?

8 A. Oh, no. No.

9 Q. How big?

10 A. It's about that wide this way. It's about three  
11 inches probably and then vertically it was about two  
12 inches.

13 Q. Have you ever personally seen it?

14 A. I did.

15 Q. Okay. And you measured it?

16 A. I did not.

17 Q. Okay. So you're kind of estimating that it was  
18 about three inches wide and about two inches high?

19 A. Yes.

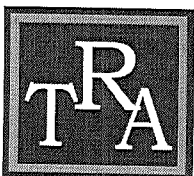
20 Q. Were any measurements taken of these cracks and  
21 holes that were found during the turn around?

22 A. I don't know that. I didn't take any.

23 Q. Okay.

24 A. That's all I can tell you.

25 Q. The second picture on Page 1409, that is the same



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1 hole we saw on the first page, Page 1407?

2 A. Correct.

3 Q. About -- next to your hand, I guess you can tell  
4 that's about a four-inch or five-inch hole?

5 A. It's about a four-inch hole.

6 Q. Diameter?

7 A. Diameter.

8 Q. Okay.

9 A. Yeah. I actually put my eyes on both of those.

10 Q. In the top picture on Page 1409, what is that  
11 slatted-looking thing on the right of the hole?

12 A. That's actually the exchanger itself. That's the  
13 heart of the CIP, so to speak.

14 Q. And it's only about three inches wide?

15 A. What are you referring to now?

16 Q. This right here (indicating).

17 A. That's just a small section of it that you can  
18 see.

19 Q. Okay.

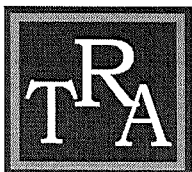
20 A. No. It's 27 feet long.

21 Q. You mean tall?

22 A. No. I mean long, this way (indicating).

23 Q. Horizontally?

24 A. You can only see that little section of it  
25 because of a plate that's in the way.



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1 Q. And so this distance right here where this little  
2 slatted thing is, that's only about four inches wide?

3 A. Yes. I would guess that, something like that,  
4 four inches.

5 Q. So all of these little slats that are in this  
6 rectangular shape --

7 A. They are all about that wide (indicating).

8 Q. Each one of these is about like half an inch?

9 A. Maybe a half inch. And again, I'm guessing,  
10 estimating, but that's --

11 Q. And that would be reflected in the equipment  
12 file, tell us how big that rectangle is, the equipment  
13 file for the CIP?

14 A. You may could get there in the equipment file. I  
15 don't remember if there's that much detail in it or not,  
16 but...

17 Q. All right. The fourth page, the top -- and we're  
18 now on Page 1410, Bates number, the top photo, they're  
19 saying you need to weld the corner cracks from the  
20 outside, grind out and reweld. That appears to be a  
21 prior repair.

22 A. No.

23 Q. Is that right?

24 A. No. That doesn't appear to be a prior repair to  
25 me. It just appears to be a crack. I can't tell



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1 whether it's a prior repair.

2 Q. And there's no tape measure or anything on that  
3 crack.

4 A. Right.

5 Q. The equipment behind --

6 A. What you do know is this corner weld here is two  
7 pieces of plate just like this. So that weld is about  
8 that (indicating).

9 Q. You're holding about an inch?

10 A. About three-quarters of an inch.

11 Q. Three-quarters?

12 A. And this crack was across that weld so that crack  
13 was about an inch long.

14 Q. You mean -- wait. The crack is down here going  
15 perpendicular to the weld; right?

16 A. That's correct.

17 Q. And you can see it starting on the left of the  
18 weld and crossing over going to the right and the weld  
19 itself is three-quarter inch?

20 A. About three-quarters.

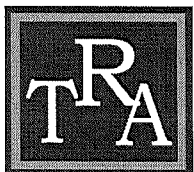
21 Q. So --

22 A. So it's an inch to an inch and a quarter long.

23 Q. Okay. So the second photo on Page 1410 --

24 A. That was not a leak to atmosphere.

25 Q. That's an internal leak?



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1 A. No. This is external, but the hole that you see  
2 here, the two holes that you see, they are in a tubing  
3 stiffener that's welded to the exchanger itself it. So  
4 this was not leaking to atmosphere.

5 Q. Why do we see sulfates there, then?

6 A. That is the reason the holes are there. The  
7 leaks that you see back here, this one and this one --

8 Q. Which are on the third page of the exhibit?

9 A. That's correct.

10 I believe those leaks created the sulfates that  
11 settled on this tubing stiffener and corroded those  
12 holes there into the tubing stiffener.

13 Q. And the tubing stiffener photo you're referring  
14 to is Bates Page 1410 just for the record.

15 Okay. Bates Page 1411, which is the --

16 MS. WEINER:

17 Why don't we do this: If it's okay with  
18 you, I'll just number yours real quick.

19 MS. BARNEY:

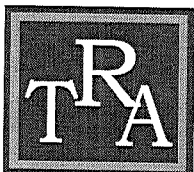
20 We won't have to keep...

21 BY MS. BARNEY:

22 Q. The HIP south horizontal, it says, "Weld new leak  
23 from inside."

24 Do you know --

25 A. I don't know that one.



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1 Q. Do you know what they mean by "new leak"?

2 A. No. I mean, this was during the turnaround so I  
3 don't know why they called it "new".

4 Q. Maybe one they didn't know about that they were  
5 going to find?

6 A. Yeah. Maybe one they found after their initial  
7 inspection or something would have made them say is a  
8 new one. That's the only thing I can figure because we  
9 never had started up at that point.

10 Q. You can't tell the size of the leak source in the  
11 top photo on Page 1411; right?

12 A. I'm actually not convinced that's actually a  
13 leak.

14 Q. Well, they said it was a leak.

15 A. Yeah, I know.

16 Q. But you don't have any information about it?

17 A. I don't, no.

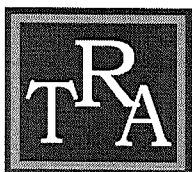
18 Q. "Weld corner crack from exterior" on the bottom  
19 of Page 1411.

20 A. Uh-huh.

21 Q. Do you know whether or not that happened?

22 A. It did. And it was successful.

23 Q. And about how wide would you say that crack is in  
24 this photo, based on that little -- looks like an  
25 insulation tack or something right there on the side of



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1 the yellow circle.

2 A. Uh-huh.

3 Q. Based on the size of the insulation tack, what  
4 would you say the length of that crack is?

5 A. An inch.

6 Q. What are you calling the crack? This to here  
7 (indicating)?

8 A. Oh, no. What I'm calling the crack is this to  
9 here (indicating).

10 Q. But I guess you really can't tell from this  
11 picture how long the crack is?

12 A. Probably not but that would be my guess as to  
13 where it was.

14 Q. And again, nobody measured these cracks or holes;  
15 right, and documented the measurements?

16 A. I don't know if somebody else did it. I haven't  
17 seen anything on it, but...

18 Q. Well, if anybody at DuPont Burnside had seen that  
19 information, it would be you; right?

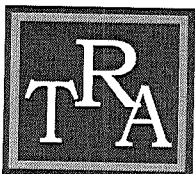
20 A. My guys do things sometimes in the interest of  
21 doing a thorough job and don't tell me about it.

22 Q. Okay.

23 A. And that's expected. So --

24 Q. It's expected that they don't tell you about it?

25 A. No. It's expected that they go over and beyond,



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1 not necessarily that they don't tell me about it.

2 Q. But nobody has asked them to provide the  
3 measurements for the holes and cracks that they found;  
4 right?

5 A. Not that I'm aware of.

6 Q. All right. The next page, which is Bates number  
7 1412, it says, "Fill in drilled hole on weld seam. This  
8 hole was drilled to stop the crack in the weld seam from  
9 extending further."

10 Can you tell the crack was coming from the right  
11 or the left in this picture?

12 A. Based on the -- kind of the outline, the yellow  
13 outline, I think the crack was coming from the left  
14 side.

15 Q. And you can kind of see the discoloration on the  
16 left and you don't see that on the right?

17 A. Right.

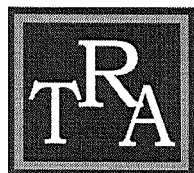
18 Q. And those are sulfates, I guess, along the weld  
19 line from the left?

20 A. It appears to be. Yes.

21 Q. So that crack went at least from the hole  
22 location left to the end of the picture?

23 A. I don't know. Perhaps the repaired photograph  
24 will tell us that.

25 Q. Okay. We're going to look at the pictures.



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1 MS. WEINER:

2 Why don't we do the substituted ones  
3 that have Bates numbers on them.

4 MS. BARNEY:

5 Do you have any that have the names of  
6 your file on it electronically?

7 MS. WEINER:

8 The top group is the CIP. The second  
9 group is the hip, and the bottom one is the converter,  
10 but I don't have whatever the file names were.

11 THE WITNESS:

12 Don't we have a time limit?

13 MS. WEINER:

14 We do have a time limit. We have not  
15 exceeded it yet.

16 THE WITNESS:

17 We're getting close.

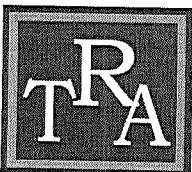
18 (Discussion held off the record.)

19 BY MS. BARNEY:

20 Q. Do any of those photos -- I think we've already  
21 covered this, but do any of these photos have any  
22 measurements with them in terms of the cracks or holes  
23 that are reflected in them?

24 A. Not that I'm aware of.

25 Q. All right. If we want to start with the CIP



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1 photos, this one is Bates number DSF 1359, and that's a  
2 photo of what, as far as you know?

3 A. This is the CIP.

4 Q. It's in the CIP package that was --

5 A. Yeah. That's photo of this.

6 Q. And you're referring now to Exhibit 12 -- no, 13,  
7 Page 1409.

8 All right. So --

9 A. That's a photo of this from the outside prior to  
10 cleaning.

11 Q. All right. So, earlier, when you said you  
12 thought that was a three-inch hole, that's probably not  
13 accurate; right?

14 A. Yeah. It looks smaller here.

15 Q. Well, this is a boot.

16 A. No. That is a glove. It's a guy doing this  
17 (indicating) with his finger.

18 MS. WEINER:

19 Pointing?

20 THE WITNESS:

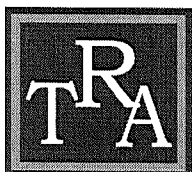
21 Yes.

22 BY MS. BARNEY:

23 Q. So that's his hand; is that what you're saying --

24 A. Yes. Yes.

25 Q. -- on the bottom left --



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1 A. He's doing this right here (indicating).

2 Q. -- of the photo?

3 A. Yeah.

4 Q. So...

5 A. So, yeah, the hole is much smaller than I  
6 originally estimated.

7 Q. Yeah. Well, that's for debate; right?

8 MS. WEINER:

9 It's his testimony. He gets to say what  
10 his belief is. That's what a deposition is. You get to  
11 find out what his belief is.

12 MS. BARNEY:

13 Thank you, Ms. Weiner.

14 MS. WEINER:

15 You do. It's not an argument. You are  
16 asking him what it is.

17 BY MS. BARNEY:

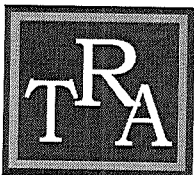
18 Q. So you think that this hole is about what, a  
19 little wider than his finger in a glove?

20 A. It's hard to tell at this angle, but I believe  
21 that this hole is somewhere between inch and a half and  
22 two inches this way and --

23 Q. Wide?

24 A. Yeah, wide.

25 And I don't know. This way looks something



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1 smaller than that, you know.

2 Q. Okay.

3 A. It's just --

4 Q. Vertical?

5 A. Yeah.

6 Q. And nobody wanted to measure it; right?

7 A. Well, how do you measure something like that?  
8 It's so jagged and crooked and covered with sulfates.

9 Q. Is it your understanding that it DuPont doesn't  
10 have a method for measuring a hole like that?

11 A. I don't know. I don't understand that question.  
12 A method?

13 Q. Uh-huh.

14 A. A tape measure.

15 Q. Okay. But there's no other way like a piece of  
16 clay or anything else to get an accurate representation?

17 A. Well, if you wanted to, I guess you could.

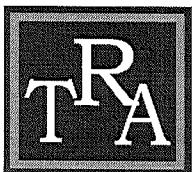
18 Q. All right. Why don't you -- are all of these  
19 pictures, 1370 through 74, pictures of the same hole?

20 A. Yes.

21 Q. And those, like on Page 1373, that's sulfates all  
22 around the hole?

23 A. Yes.

24 Q. All right. Page 1375 is a picture of a hole we  
25 saw on Exhibit 13, Bates page 1407; right?



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1 A. Yes.

2 Q. Okay. And then Page 1376, below that hole that  
3 we just talked about, they're pointing to a crack or  
4 something at the bottom of the photo; is that right?

5 A. That is the same hole that you see in all of the  
6 other -- on 1369 through 1374. That's after it's  
7 cleaned.

8 Q. All right. So after it was cleaned it's a lot  
9 bigger than it looked in the other picture; right?

10 A. The actual hole -- this you're looking at is  
11 not -- let me back up.

12 I believe this picture is deceiving. I think  
13 what you're looking at here is not the actual --  
14 everything you see here is not an actual hole or leak to  
15 atmosphere because there's some support framing that's  
16 in here that's corroded out.

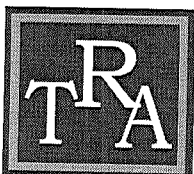
17 Q. All right. So where on Page 1376 do you think  
18 the hole is that corresponds with the other pages in  
19 this group?

20 A. I think it's right in this area right here  
21 (indicating). That's what I think.

22 Q. So why don't you just draw a circle around it  
23 with a pen. Same pen, doesn't work.

24 MS. WEINER:

25 Let me see if the red works on that.



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THE WITNESS:

(Complies with request.)

BY MS. BARNEY:

Q. Okay. So for the record, you've marked with red ink on Page 1376.

A. Right.

Q. And for those holes -- those are the only two holes that they found during the turnaround in the CIP?

A. No.

Q. All right. So one was mentioned earlier when we talked about the crack in the corner on Page 1410 of Exhibit 13.

A. Right.

Q. Okay. And was there another one?

A. Not that I recall.

Q. All right. You have some HIP photos as well which --

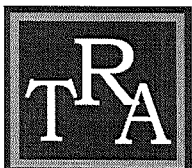
MS. BARNEY:

What we may do is just mark these and then have us retain the originals so that we're not -- whatever you think, Monique, but I hate to run up the expense of the transcript --

MS. WEINER:

However you want to do it.

MS. BARNEY:



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1 -- with color copies.

2 MS. WEINER:

3 You can just refer to the Bates number  
4 and we don't have to attach them.

5 MS. BARNEY:

6 Yeah. I'll just attach -- I'll attach  
7 them so we can refer to them as Exhibit 13 or 14 or  
8 whatever.

9 MS. WEINER:

10 However you want to do it.

11 MS. BARNEY:

12 Scratch that. The ones we're going to  
13 retain custody of are Exhibit 14, 15 and 16.

14 All right. Exhibit 14 is going to be the  
15 batch that is the CIP photos that we just went through.

16 (Whereupon, Exhibit No. 14 was marked for  
17 identification.)

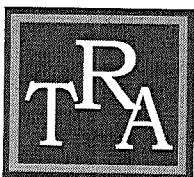
18 MS. BARNEY:

19 Exhibit 15 is going to be the photos of  
20 the HIP that we can go through now and they're Bates  
21 labeled 1377 through 1406.

22 (Whereupon, Exhibit No. 15 was marked for  
23 identification.)

24 BY MS. BARNEY:

25 Q. Can you tell who is depicted in the photo on Page



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1 1377?

2 A. No.

3 Q. You don't know who he is?

4 A. No.

5 Q. He's got his hand in some kind of crack or  
6 something in the middle of the photo. Is that your  
7 understanding?

8 A. I'm not sure of that. I actually looked at this  
9 photo Thursday. I am not sure that his hand is actually  
10 into a leak to atmosphere because there's a reenforcing  
11 channel that goes down through this and I know that  
12 there's some -- been some deformation in it and I  
13 believe he could have his hand underneath that channel.  
14 So I can't say that that's a leak to atmosphere.

15 Q. Who could, whether it's --

16 A. I can find that out through Scott Whitlow.

17 Q. These photos were taken before the repairs;  
18 right?

19 A. That's correct.

20 Q. Earlier, I think you testified that they went and  
21 took pictures of things that they thought they needed to  
22 fix.

23 A. Uh-huh.

24 Q. If that was their plan and this man has his hand  
25 in a crack and they're taking a picture of it, does



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1 anything tell you that they weren't concerned about this  
2 crack?

3 A. No. I didn't say that. If the channel was  
4 deformed, it needs to be welded back down or whatever it  
5 may be.

6 Q. Okay. Because it could be contributing to a  
7 leak?

8 A. No. Or it may not be. It may or may not be. I  
9 don't know.

10 Q. Okay. And Page 1378 --

11 A. It looks the same --

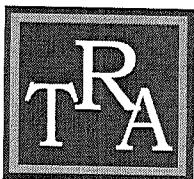
12 Q. -- same thing, closer shot; right?

13 A. Yeah. It's the same thing, closer shot.

14 Q. But you don't know what piece of equipment this  
15 is?

16 A. But you can see what I'm saying right here, that  
17 this is a piece of angle; okay? As a matter of fact, I  
18 just confirmed what I thought; okay? If you look at  
19 this piece of angle, this piece of metal that's sticking  
20 up right here, what do you think this is right here?  
21 That's his fingers. So this angle has bowed up and he's  
22 got his hand stuck underneath that angle iron. His hand  
23 is not stuck inside the exchanger. It's underneath the  
24 angle iron.

25 Q. Why would that be important to them? Why would



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1 they care?

2 A. Because apparently something has happened here  
3 from a stress analysis standpoint and either this angle  
4 buckled or the plenum itself buckled, one of the two,  
5 but that is no confirmation whatsoever that there's a  
6 leak there.

7 Q. It's just a mechanical integrity problem?

8 A. That's right. That's right. I didn't even see  
9 his fingers last time I looked at it. Now that I see it  
10 visually, I know exactly what it is.

11 Q. Page 1379 and 1380 -- and we've I think seen  
12 these pictures before -- do you know what area of the  
13 HIP these pictures are of?

14 A. Uh-huh.

15 Q. What is that?

16 A. The south side center plenum top.

17 Q. And was this taken internally, externally?

18 A. Externally.

19 Q. 81 is the same thing?

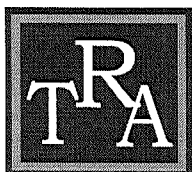
20 A. Yes.

21 Q. And did you see this as a leak source?

22 A. Potentially.

23 Q. Do you know whether it was confirmed to be a leak  
24 source?

25 A. I don't.



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1 Q. The picture of that spot goes until 83, 84?

2 A. Yes.

3 Q. Right?

4 A. Yes.

5 Q. At least. We're on 84.

6 A. Uh-huh.

7 Q. Are these sulfates you're seeing?

8 A. Yes.

9 Q. That would occur because there's moisture from  
10 the atmosphere hitting this area?

11 A. That's correct.

12 Q. Did that tell you anything about whether there  
13 was a leak in this area?

14 A. No. Could have been in another adjacent area.

15 Q. And dripping on this location?

16 A. Could have been. Who knows?

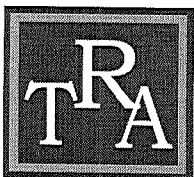
17 Q. Why would they be photographing this spot?

18 A. Because of the deformation of this piece of flat  
19 bar.

20 Q. Why was that important?

21 A. Again, anytime you see deformation like this,  
22 that tells you that something at some point in time was  
23 in -- was under stress, whether it's from growth or from  
24 heating and cooling or whatever it may be.

25 Q. Okay.



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1           A. So we need to understand that kind of stuff.  
2       When we see it, we need to understand why.

3           Q. Do you know what the photo in 1385 is?

4           A. It appears to be the top of one of the plenums  
5       here and this is an upper plenum here, but I don't  
6       know -- I can't tell anything beyond that.

7           Q. Who would be the person most knowledgeable about  
8       what's in these photographs?

9           A. Probably Ivy.

10          Q. And these photographs are the only evidence of  
11       the holes and cracks that DuPont identified during the  
12       turnaround?

13          A. That's correct.

14          Q. Do you -- as far as you know, do you see any  
15       holes and cracks to the atmosphere in Exhibit 15?

16          A. That's this whole exhibit?

17          Q. Yes. That you can tell.

18          A. That appears to be one.

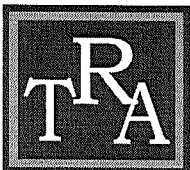
19          Q. And that's Bates page 1394?

20          A. Uh-huh.

21          Q. And how can you tell that?

22          A. It just appears to be a weld seam here and a  
23       crack here (indicating).

24          Q. And what makes you conclude that that's a leak to  
25       the atmosphere?



1 A. Given it's adjacent to a weld seam.

2 Q. And do you have any reference point in here for  
3 determining how big that crack is? Sort of an L-shaped  
4 crack; is that right?

5 A. It appears to be.

6 Q. Do you have any reference for how big that crack  
7 is?

8 A. Assuming it is a crack, this weld is probably  
9 three-quarters of an inch wide.

10 Q. So this sort of -- why don't we just go ahead and  
11 mark it. I can describe as a termite trail-looking  
12 thing, but that may not be good for the record. Why  
13 don't you just write weld or point to the weld line that  
14 you think is three-quarters of an inch.

15 A. (Complies with request.)

16 Q. Then that can be a reference point for how long  
17 this L-shaped crack is.

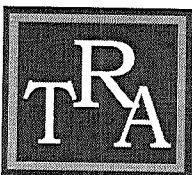
18 A. Assuming it is a crack.

19 Q. Well --

20 A. It appears to be, but Ivy and them would know  
21 whether or not we actually found a crack there. I don't  
22 know for sure.

23 Q. I think earlier you testified that y'all found  
24 three holes and cracks in the HIP.

25 A. Uh-huh.





1 Q. So is it your testimony now that you don't know  
2 how many holes you found in the HIP?

3 A. I know how many holes I'm aware of that we found  
4 in the HIP and that was those three.

5 Q. But there could be more and you just don't know?

6 A. Yeah, there could be.

7 Q. As the maintenance supervisor for DuPont at  
8 Burnside, that's not your responsibility to know?

9 A. It's my responsibility to understand that we have  
10 found the cracks as best to our ability and made every  
11 effort we could to repair them. It's not my  
12 responsibility to go look at every crack. No.

13 That's one right there.

14 Q. Page 1404, you're pointing to I think that's a  
15 corner crack that we've seen before?

16 A. Uh-huh.

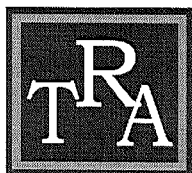
17 Q. No more? Just those?

18 A. Not that I see in the photos.

19 Q. We'll make Exhibit 16 the stack of photos that  
20 DuPont as produced in connection with the converter and  
21 they're now Bates labeled 1413 through 1577 and that's  
22 another one of the exhibits we'll maintain custody of.

23 (Whereupon, Exhibit No. 16 was marked for  
24 identification.)

25 BY MS. BARNEY:



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1 Q. Can you look at this stack of photos and tell me  
2 if any appear to you to reflect a leak to the outside?

3 A. You want me to point them out as I go or --

4 Q. Sure.

5 A. 1415 --

6 Q. 1415?

7 A. -- appears to be a leak to the outside.

8 Q. And is there any weld line on this photo?

9 A. Not that's clear. This is a piece of plate.

10 Q. Is this a weld line?

11 A. Yeah, it is.

12 Q. Okay. Maybe you could mark that for us. And  
13 that would be about how big, how wide, three-quarter  
14 inch?

15 A. No. That would be bigger than that. That's  
16 probably inch and a quarter.

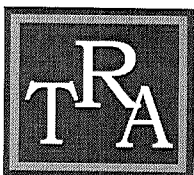
17 Q. So the weld line that you've marked on the bottom  
18 of 1415 is about an inch and a quarter wide and so that  
19 can give us a point of reference to determine the size  
20 of the crack on this photo?

21 A. That is my guess.

22 Q. Okay.

23 A. And that's strictly a guess.

24 Q. All right. And the crack starts here, would you  
25 say, on 1415?



1 A. I think on this photo, all of the dark area is a  
2 crack.

3 Q. Can you maybe circle the cracks for me or the  
4 crack.

5 A. (Complies with request.)

6 MS. WEINER:

7 And I think on the ones that he's  
8 actually marked on, we are going to need to attach at  
9 least those pages to the record.

10 MS. BARNEY:

11 Oh, yeah. Good point. Okay.

12 THE WITNESS:

13 For the record, 1419, the cracked area  
14 in the bottom side of the photo is the same crack as  
15 1415.

16 BY MS. BARNEY:

17 Q. Okay.

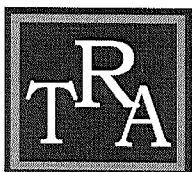
18 A. This is not cracks.

19 Q. At the top of Page 1419, those dark areas that  
20 look like cracks you think are not cracks?

21 A. That's correct.

22 Q. Why do you think that?

23 A. Because that's where old gussets are cut off.  
24 These are actually plates that are projecting out from  
25 the converter wall and from the transition piece and



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1 they were cut away from the wall. So what you see there  
2 is void space between those gusset plates. Same thing  
3 here.

4 Q. So you're not going to circle those?

5 A. I am not.

6 Q. Okay.

7 A. That, I don't know about.

8 Q. Which one are you looking at?

9 A. 1420, I don't see anything there.

10 1421 is more of the same void spaces that I was  
11 explaining on 1419.

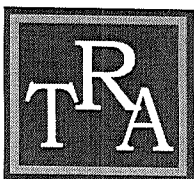
12 Q. Why do you think a picture was taken of that on  
13 1421?

14 A. I don't know. I don't know why they took a  
15 picture of it.

16 Q. They thought it was an area that needed repairs?

17 A. You'll see when you see the repair photos that  
18 there were repairs made to all of this stuff to  
19 reenforce it, not necessarily because it was leaking,  
20 but to strengthen it. So, you know, that could have  
21 been some of the reasoning behind taking some of these  
22 photos.

23 Q. Okay. So did the person taking the photos didn't  
24 really know when they saw cracks whether they were  
25 cracks that were sources of leaks or not?



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1 A. I don't know.

2 Q. Okay.

3 A. For the record, when I see pictures like 1427,  
4 okay, there appear to be cracks, but there's no way for  
5 me to look at this and tell whether they're just  
6 external surface cracks or cracks all the way through.  
7 I can't tell that so I don't know.

8 Q. All right.

9 A. That appears to be a crack on 1429.

10 Q. And you're circling that one?

11 A. Yes.

12 Q. Okay.

13 A. These are some of the repair pictures.

14 Q. And this starts on Page 1430?

15 MS. WEINER:

16 We do have repair pictures. We haven't  
17 held back anything. You have it all. Fabulous. We've  
18 got 45 minutes. Let's go. Rock it out.

19 MS. BARNEY:

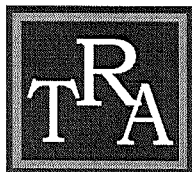
20 We really have no idea what we have and  
21 don't have.

22 MS. WEINER:

23 Well, he's telling you right now.

24 MS. BARNEY:

25 Well, I know we've listed lots of



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1 documents I don't have.

2 THE WITNESS:

3 These are repair pictures.

4 BY MS. BARNEY:

5 Q. 1431, how can you tell it's a repair picture?

6 A. Because of the new plates and the new welds, it's  
7 very, very obvious to me.

8 Q. And there are some measurements there written on  
9 those photos?

10 A. Yeah. But I don't know what they referenced. We  
11 know what the dimensions of these plates are. I don't  
12 have it off the top of my head, but we know what the  
13 design was.

14 Q. So they wouldn't have needed to write that or do  
15 you think the -- do the numbers correspond to the size  
16 of the plates?

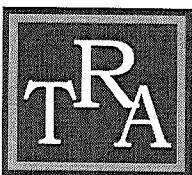
17 A. I don't know. Honestly, it appears that it does,  
18 but I don't know why they would have wrote it on the  
19 vessel. You know, that's just not a common practice.

20 Q. So Page 1432, does this appear to be an area they  
21 haven't plated over yet?

22 A. Yeah. Yes, it does.

23 Q. So is that a hole or crack that hasn't been  
24 patched yet?

25 A. I don't know that because if you look at the



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1 picture, apparently, at some point in time in the past,  
2 there was a patch put over that, okay. So I don't know  
3 how long ago that patch was put on. So, therefore, I  
4 don't know when it was leaking so this -- you see this  
5 gray-looking color? That is very --

6 Q. Indicative?

7 A. -- indicative of gouging an old plate off.

8 Q. So this was an old repair that they removed the  
9 plate off the top --

10 A. In order to do these repairs.

11 Q. And then so they were probably going to come back  
12 and repatch this?

13 A. That's correct.

14 Just more of the same here.

15 Q. On 1433?

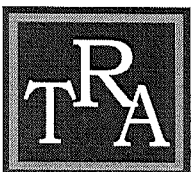
16 A. Yes.

17 Q. When you see clips for insulation in the photos,  
18 does that indicate that it's an exterior photo?

19 A. It depends on what they look like. You have  
20 internal -- I mean, you have external insulation clips  
21 and external clips. I mean -- I'm getting burnt out  
22 here. Internal clips for refractory.

23 Q. Okay.

24 A. And if you don't really know what you're looking  
25 at, you can confuse them.



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1 Q. All right. Are you getting tired? Would you  
2 rather resume another day because we still have about a  
3 little over --

4 A. Oh, no --

5 MS. WEINER:

6 I've been keeping track of the time. We  
7 have 42 minutes left. So, Mr. Clemons, it's up to you  
8 whether you want to continue for the 42 minutes --

9 MS. BARNEY:

10 Well, I don't have the repaired  
11 pictures.

12 MS. WEINER:

13 Are these the repair pictures that you  
14 were thinking of that you looked at back at the office?

15 THE WITNESS:

16 These are some of them. I don't know --

17 MS. WEINER:

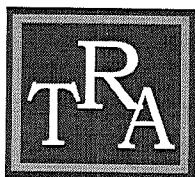
18 We still have about an inch for him to  
19 look through.

20 MS. BARNEY:

21 There's got to be another way at DuPont  
22 Burnside to see if I have it all.

23 MS. WEINER:

24 He's the one that's looked at them. He  
25 can tell us.



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1 THE WITNESS:

2 These are the refractory repairs after  
3 the --

4 BY MS. BARNEY:

5 Q. We are at Page 1449?

6 A. Yes.

7 I'm going to kind of make this easy. You're not  
8 going to see a whole lot here. I am not even sure what  
9 that is, but for sure 1444 through 1577 are all pictures  
10 of internal repairs on the converter, whether they be  
11 refractory repair or wall metal repair.

12 Q. So do they tell you anything about external  
13 leaks, other than --

14 A. For some reason, they're out of order.

15 Q. I'm sorry. I'm going to look back at this one  
16 real quick.

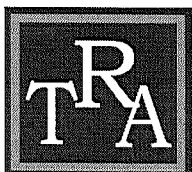
17 These cracks right here (indicating) --

18 A. No, that's not --

19 Q. -- in 1456, what are they?

20 A. That's just -- that's previous prior old repairs  
21 in the refractory. What you're looking at there is  
22 actually the refractory, not the metal wall. It's  
23 actually like a cement coating on the wall.

24 Q. But when that is gone, then that allows the metal  
25 to get really hot and --



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1 A. That's correct.

2 Q. -- corrode faster and cause leaks; right?

3 A. That's correct.

4 Q. So a lot of the internal work was going on to try  
5 to prevent that?

6 A. Oh, yeah.

7 Q. Is this -- you're seeing gunite, new gunite or  
8 old gunite, in these photos?

9 A. This is actually fibric on the walls.

10 Q. Page 1458?

11 A. Yeah.

12 They got a better name for it, but anyway...

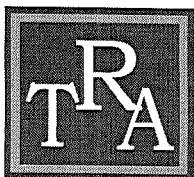
13 And it's been removed. You can see kind of the  
14 way they chipped it and what you're looking at here is  
15 the first pass exit transition, but you're inside the  
16 converter looking out.

17 Q. That's where a lot of the leaks -- big problem  
18 leaks have been?

19 A. On that top portion is -- that's the repairs I  
20 just showed you. On the top portion of this.

21 Q. Show me the Bates page number you're referring  
22 to. In connection with Bates page 1458, you're  
23 referring to page?

24 A. Okay. Starting with Page 1430 to -- I think 30  
25 through 33 are the outside of the first pass exit.



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1 Q. And that's where the leaks have been?

2 A. Yes.

3 Q. And so I think earlier you were referring to 1430  
4 and you were just talking about the fact that it had  
5 already been welded and repaired; is that right?

6 A. What I was talking about was the fact that due to  
7 the appearance of these plates, I could tell that that's  
8 new in this picture and part of the repair scope.

9 Q. You don't think that that was previously welded.  
10 I mean, it's not welded right here at the top of this  
11 rectangle.

12 A. Correct.

13 Q. So why would that not be welded --

14 A. Because it just hadn't gotten that far yet.

15 Q. So we don't have a picture of the leaks on the  
16 first pass exit of the converter before the work was  
17 done; correct?

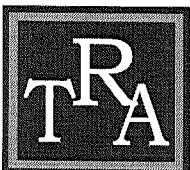
18 A. We marked some earlier that I believe would have  
19 been leaks.

20 Q. The ones that you think are under these metal  
21 plates?

22 A. Yeah. I think they're under the metal plates.

23 Q. So you think this picture on Page 1419 in the  
24 corner is the same area that's reflected on Page 1430?

25 A. It's hard to tell. Could be.



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1 Q. But you don't know?

2 A. No, I don't know.

3 Q. All right. So you don't know if we have a  
4 picture of what was underneath the metal plates that are  
5 on Page 1430?

6 A. No. I don't know. I don't know how it's  
7 relevant, but no, I don't know.

8 Q. Well, those were where some major leak sources  
9 were thought to be --

10 A. Yeah. We covered the whole top of that nozzle.  
11 We covered the whole top of that nozzle with these  
12 plates.

13 Q. Right. So we don't have a picture of the leak  
14 area before the plates were put on top of it; right, at  
15 the first pass exit converter?

16 A. We have a lot of pictures of the first pass exit  
17 converter and we have some of them that I marked that I  
18 think would have been external leaks.

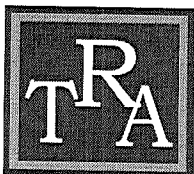
19 Q. Right.

20 A. And then we have the pictures of the repairs at  
21 the beginning.

22 Q. Right. And my question is we don't know what  
23 cracks were underneath these metal plates on Page 1430?

24 A. No.

25 Q. And we don't know if we have pictures of those.



1 I think you've already answered me, but...

2 A. No.

3 Q. Okay.

4 A. All right. What were we doing on the inside?

5 Q. You were going through to see if any of these  
6 photos revealed information on external leaks. I guess  
7 you're saying Page 1430 was a source of an external leak  
8 that's been repaired?

9 A. Here?

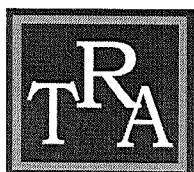
10 Q. Page 1430. No. What's under these new metal  
11 plates on Page 1430? Is it your understanding that  
12 whatever was under there was a source of external leaks  
13 coming from the converter?

14 A. No.

15 Q. So why were the metal plates put there?

16 A. Two reasons: Strength and leaks. Okay. Across  
17 this whole transition piece, apparently, obviously,  
18 we've had leaks through the years. Okay? This repair  
19 strategy was more extensive than any we've ever done so  
20 we didn't just go after the leaks. Okay. What we said  
21 was we are going to strengthen this entire top surface  
22 of this transition piece. Now, realize this thing is  
23 ten feet long.

24 Q. Right. And that's because it's causing leaks by  
25 not operating the way it needs to operate; right?



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1 A. Because it's causing --

2 Q. I mean, it was indirectly about the leaks because  
3 if the thing is getting so hot, then it's corroding the  
4 metal faster and you're getting leaks popping up all the  
5 time; right?

6 A. Yes. It was indirectly about prevention of  
7 leaks.

8 Q. So we've already established we don't know what  
9 was under the plates on Page 1430.

10 A. No. I don't know.

11 Q. So can you point to any other photos that you  
12 think are direct depictions of outside leaks, leak  
13 sources?

14 A. That's the little --

15 Q. Internal insulation tags --

16 A. Yeah.

17 Q. -- that's on Page 1478.

18 A. 3.

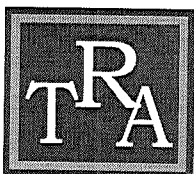
19 Q. 3. What is on Page 1474?

20 A. 1474 is a shot looking into -- looking out of the  
21 converter into the first pass exit transition after some  
22 of the refractory had been broken out.

23 1484 is a breach in the refractory.

24 Q. 1484 is what?

25 A. A breach in the refractory from the inside, a



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1 picture of it.

2 Q. All right.

3 A. Same with 1485. I think it's the same one.

4 1487 seems to be the same thing, breach in the  
5 refractory.

6 1489 begins a series of pictures of the  
7 internal -- actually, I'm sorry, 1488 begins a series of  
8 pictures of the internal repairs, metallic repairs.

9 1511 and 12 are pictures of a crack inside.

10 Q. That's the dark sort of L-shaped object in the  
11 middle?

12 A. Yes. But the key that I want to point out here  
13 is you see the proximity to the nozzle itself?

14 Q. On Page --

15 A. On Page 1511.

16 Q. -- 1511? Uh-huh.

17 A. On the outside of the vessel wall, there was  
18 actually a -- what they call a reinforcing pad so it's a  
19 double wall at that point. So I can't say with any  
20 certainty that this was leaking externally --

21 Q. You just don't know?

22 A. -- because it's a double wall there.

23 Q. So you just don't know?

24 A. I just don't know.

25 Q. How big is the crack that's on Page 1513, the



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1 L-shaped black crack?

2 A. It's just a crack in the metal from --

3 Q. I guess you could calculate from the man's  
4 hardhat if you wanted to do --

5 A. Yes. I would say the length of the long leg of  
6 it is probably four feet.

7 Q. Okay.

8 A. And the short leg is probably a foot to 18  
9 inches.

10 Q. All right.

11 A. But again --

12 Q. And that's near the first pass exit on the  
13 converter?

14 A. That's correct.

15 Apparently, it looks like 1519 he's pointing out  
16 a crack in a weld.

17 Q. A crack in a weld?

18 A. Right. From there to about there (indicating).

19 Q. And you've marked it with red?

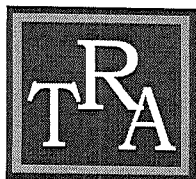
20 A. Yep.

21 Q. We can get a little bit of a size reference from  
22 his hand?

23 A. That's correct.

24 Q. Okay. And then --

25 A. 1520 is a picture of the same.



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1 Q. That crack seems to go further in 1520, doesn't  
2 it?

3 A. It's hard to tell.

4 Q. From sort of the end of his hand all the way to  
5 the end of this photo almost.

6 A. They may have been pointing toward the beginning  
7 of the crack here and then I look at the curvature of  
8 the vessel.

9 Q. So on 1520 it looks like it's going from about  
10 his hand to the top of the page on 1520?

11 A. Correct.

12 Q. Okay.

13 A. Another picture of the same.

14 Q. On 1521, okay.

15 A. Another picture of the same on 22.

16 Picture of the same on 23.

17 Q. And those you're referring to because they seem  
18 to be external; right?

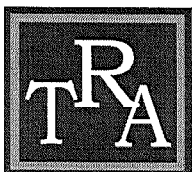
19 A. They are -- these pictures are taken internal.

20 Q. Right. But the leak would be external; right?

21 A. I don't know that.

22 Q. Okay.

23 A. Because of the fact that -- what I mentioned  
24 earlier. On the external side, there is a double plate  
25 where this thing was reinforced by design, the original



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1 engineering design calculations.

2 Q. So you just don't know?

3 A. I just don't know. I can say this: With the  
4 cracks that I saw on the inside, especially the long --  
5 four-foot long one, I believe I would have known if I  
6 would have had that kind of a crack.

7 That's another crack -- 1427 is another picture  
8 of the one we've been referring to.

9 Q. 1527?

10 A. I'm sorry, 1527.

11 Q. Is that big crack inside?

12 A. Correct.

13 28 is more of the same.

14 29 is the same.

15 Q. You don't know whether there were any cracks in  
16 that second wall on the outside of the big crack that  
17 you've seen in the refractory?

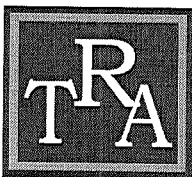
18 A. I don't know of any.

19 Q. Were any photos taken of that outside wall?

20 A. I believe so. I believe some of the photos in  
21 here are of that outside wall, but because of the  
22 orientation of them, you can't tell.

23 Q. Okay. So you don't have any way of knowing  
24 whether that outside wall had a problem or not?

25 A. Oh, yeah. The outside wall was inspected



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1 thoroughly by Scott Whitlow and Ivy Albares and some of  
2 the Acuren guys.

3 Q. And nobody has indicated to you that there was a  
4 problem in it?

5 A. There was a tremendous amount of work that was  
6 done up there on the nozzle itself and some on the wall  
7 itself.

8 Q. On the outside --

9 A. Yes.

10 Q. -- of the second wall that you've referred to?

11 A. Yes.

12 Q. So it did have cracks in it?

13 A. Yes.

14 Q. So you had cracks on the internal which were like  
15 four feet long on one leg?

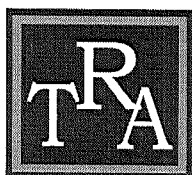
16 A. Uh-huh.

17 Q. And you had cracks on the second wall on the  
18 outside of that?

19 A. Uh-huh.

20 Q. So that means that that big crack that had a  
21 four-foot leg could have been the source of an external  
22 leak; it would have just had to go through a second  
23 layer of cracks in that second wall to get to the  
24 atmosphere?

25 A. That's correct. So, therefore, there is no way



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1 you can use an estimate for that long crack to calculate  
2 how much gas was released to the atmosphere because --

3 Q. Do you happen to know how long the cracks were in  
4 the second wall, the external wall?

5 A. No, not offhand.

6 Q. And do you have any photos of that?

7 A. I don't know. We'll have to look again. I don't  
8 know.

9 Q. Nobody has made any effort to do that as far as  
10 you know before now --

11 A. What's that?

12 Q. -- to measure the cracks in the outside wall that  
13 were near this location of the big crack on the inside  
14 wall, to compare those two?

15 A. No.

16 That's it.

17 Q. Okay.

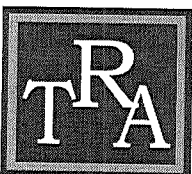
18 MS. BARNEY:

19 What I've done, Monique, is marked the  
20 ones that he's drawn on and the two packages as 15  
21 excerpts, 14 excerpts and we'll attach those and then  
22 we'll do the same thing for that one.

23 MS. WEINER:

24 Okay.

25 MS. BARNEY:



1                   For Exhibit 16, we'll keep the bulk in  
2     our custody, but I'll pull out the ones that are  
3     excerpts to be put with the record that he marked on.

4     BY MS. BARNEY:

5         Q.   Mr. Clemons, going through this, I just had a  
6     question. Did you ever tear up a write-up that had been  
7     given to Wade Miller?

8         A.   Did I tear up a write-up? Yes, I think I did.

9         Q.   Do you recall why you did that?

10        A.   Because it was an if I remember right it was a  
11   probationary document and the probation was over. I  
12   think that is probably typical.

13        Q.   Do you recall whether Mr. Miller received a bonus  
14   while he was on probation?

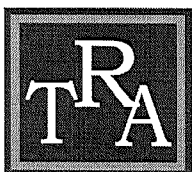
15        A.   I wouldn't know that.

16        Q.   Do you know, after going through this stack,  
17   whether you've seen all of the photos in this stack that  
18   you have seen at DuPont Burnside with respect to the  
19   repair work on the equipment at issue?

20        A.   I've probably looked at more photos today than  
21   I've looked at in photos at Burnside.

22        Q.   If you determine that there are additional  
23   photographs that we haven't looked at today, will you  
24   advise your counsel?

25        A.   Sure, if that's what you want me to do.



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MS. WEINER:

Sure.

MS. BARNEY:

These will be excerpts 16.

MS. WEINER:

I already pulled the ones out of the HIP  
stack.

MS. BARNEY:

I think I did the HIP and the CIP.

All right. I believe that's all I have  
for now.

THE WITNESS:

Really?

MS. BARNEY:

Hopefully, we won't have to resume, but  
we will see.

MS. WEINER:

I'll state for the record that we've  
gone six hours and 45 minutes of testimony time.

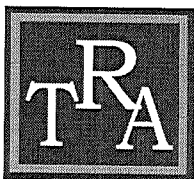
MS. BARNEY:

Okay. Thank you very much, Mr. Clemons.

THE WITNESS:

You're welcome.

(Testimony concludes at 5:18 p.m.)



WITNESS' CERTIFICATE:

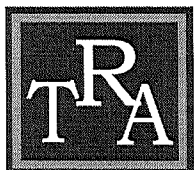
I, Talmage Eugene Clemons, read or have had the foregoing testimony read to me and hereby certify that it is a true and correct transcription of my testimony, with the exception of any attached corrections or changes.

Talmage Eugene Clemons

\_\_\_\_ Signed with corrections noted.

\_\_\_\_ Signed without corrections noted.

DATE OF DEPOSITION: 12/17/13



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2 REPORTER'S CERTIFICATE:  
3

4 I, ELICIA H. WOODWORTH, Certified Court  
5 Reporter in and for the State of Louisiana, as the  
6 officer before whom this testimony was taken, do hereby  
7 certify that Talmage Eugene Clemons, after having been  
8 duly sworn by me upon authority of R.S. 37:2554, did  
9 testify as hereinbefore set forth in the foregoing 269  
10 pages;

11 That this testimony was reported by me in  
12 the stenotype reporting method, was prepared and  
13 transcribed by me or under my personal direction and  
14 supervision, and is a true and correct transcript to the  
15 best of my ability and understanding;

16 That the transcript has been prepared in  
17 compliance with transcript format required by statute or  
18 by rules of the board, that I have acted in compliance  
19 with the prohibition on contractual relationships, as  
20 defined by Louisiana Code of Civil Procedure Article  
21 1434 and in rules and advisory opinions of the board;

22 That I am not related to counsel or to the  
23 parties herein, nor am I otherwise interested in the  
24 outcome of this matter.  
25



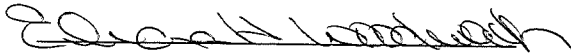
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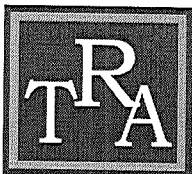


1 Dated this 20th day of January, 2014.  
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5 ELICIA H. WOODWORTH, CCR

6 CERTIFIED COURT REPORTER  
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